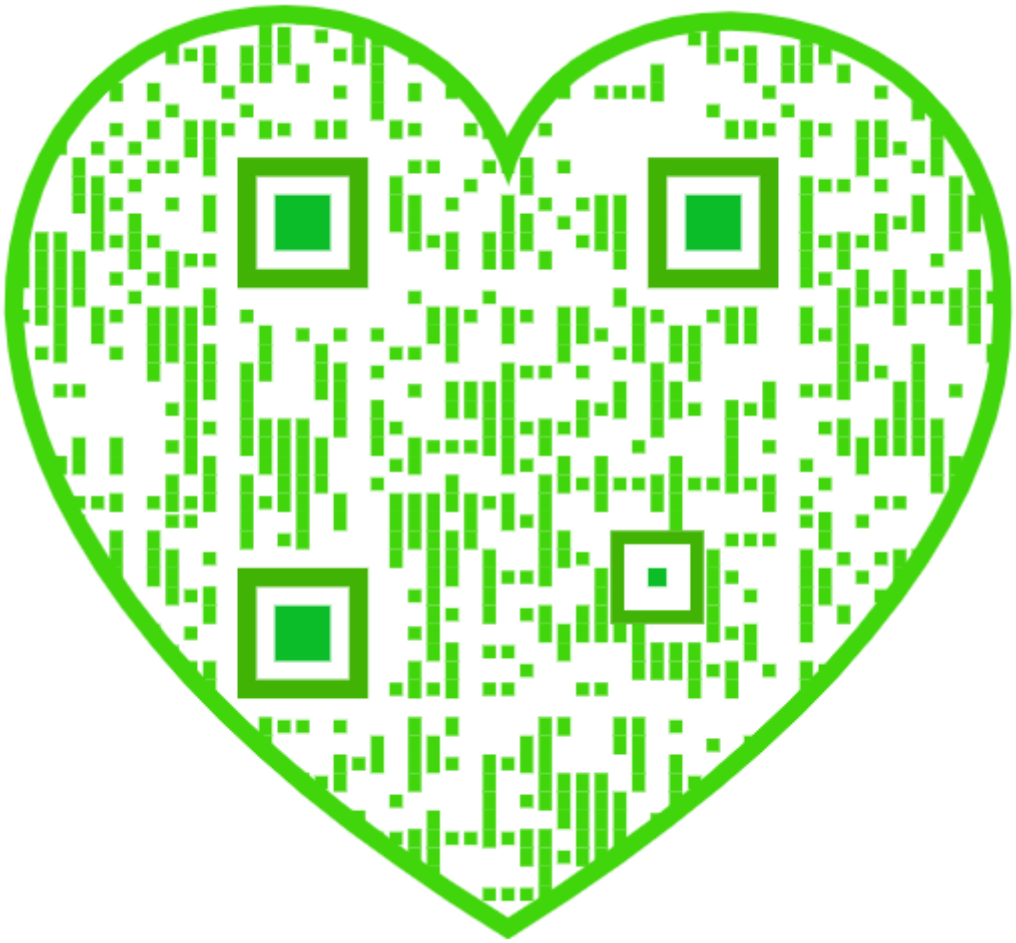

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A GUIDE

TO

MORAL AND SOCIAL MANNERS,

CONTAINING THE

RULES OF DUTY AND THE REASON OF THEM, SHOWING
WHENCE OUR OBLIGATIONS ARISE AND
WHERE THEY TERMINATE.

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BY JAMES TAYLOR, PH. D.

ADAPTED TO THE CAPACITY OF THE YOUNG, AND TO A
REPUBLICAN FORM OF GOVERNMENT.

FOR THE USE OF

Colleges, Academies, and Schools, and for Self Culture.

CINCINNATI:
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PREFACE.

In preparing an epitome of the doctrines of morality or social manners, which teaches men their duty and the reason of it, I am actuated by a desire to supply a great want in our public schools. Being an earnest admirer of Republican Government, and having a full conviction that its permanence can only be maintained by the virtue of its citizens, I think it is of the highest importance that rules of moral duty should be early inculcated. The teaching of the rudiments of education in our common schools, if unaccompanied with good moral precepts, gives a power for evil as well as for good, and therefore it is necessary that habits of virtue should be early inculcated. To do this effectively, simple rules of moral duty should be adapted to the capacity of the

young. The study of moral philosophy is too abstruse for young minds, yet it is in early years that the habits of thought are formed. It can not be doubted that the faculties of the mind are so constituted by nature, that as soon as we begin to reason, we also begin to distinguish good from evil; and if morality is not early inculcated, it will be difficult to eradicate the errors that may have crept in. I therefore have undertaken the task of reducing the principles of morality into short rules adapted to the capacity of youth, as a guide to the performance of those duties, which every citizen of a free government is expected to fulfill. And if my efforts shall only effect a part of that which I design, it will be a great reward, and I shall feel that my time has been well employed.

The necessity of early moral training must be obvious. Human laws are always imperfect, and necessarily omit many duties: they only enjoin where they can compel; consequently, those duties which, by their nature, must be voluntary, are left out of the statute book. Often, statutes are only compromises

of conflicting opinions, diverse interests, or opposing parties, so that complete justice can only obtain when correct moral sentiment prevails and forms public opinion. When this can be effected the courts of law will be less resorted to, men's idea of right and wrong will better agree, men will be more constrained by a sense of right; but it is only by early training that this agreement can be effected—correct principle, once acquired, will bind the consciences of men, and lead them in the path of duty, justice, and rectitude.

It can not but be desirable to have a code of plain rules, easy to be comprehended, which shall aid the formation of correct opinion on the subject of human duty; it is more important that our opinions be correct in respect to right and wrong than in respect to any other subject; and if the minds of youth be thoroughly imbued with sound general principles, they will be instinctively applied in the various situations and circumstances in life. Fixed principles will take the place of error, passion, and selfishness;

a consciousness of right will always more or less control the impulses of our nature; and he whose character is formed by a familiarity with virtue and sound moral principle will be more likely to become a good citizen than he who has no other guide than passion, impulse, and unrestrained self-will. The energies of our moral senses have to be rightly directed, for virtue is not in the senses, but in the manner they are exercised. By frequent repetition a habit is formed, and the habits constitute character. When good habits are once formed, opinions and principles are thereby modified.

To establish moral habits on the firmest basis is the object of the author, and, to effect this, all controversial questions have been avoided. Morals must be fixed beyond dispute to be of value; and although it is not in the nature of the subject to arrive at perfect accuracy, it ought to suffice if as much accuracy has been attained as is consistent with the nature of the subject and the design of the author. It is also to be remembered, that we are not to be over-curious in the in-

vestigation of causes concerning some things; it is sufficient to know that they are, without knowing the reason. This is the case of those first principles which result from the perception of sense.

To collect knowledge scattered over many volumes into a small compass, if it has not the merit of originality, it has at least the advantage of being useful; and thousands who would be horrified at the bulk of ponderous volumes will set out on a short journey in the pursuit of knowledge with zest, alacrity, and profit.

I am fully sensible of the difficulty of the undertaking, but am still more sensible of the importance of the work, and, if I can only partially succeed, I perhaps may suggest to some one more able, how greatly society may be benefited by a more full and perfect elaboration of the idea which is here crudely attempted.

THE MORAL DUTIES,

WITH A

DESCRIPTION OF THE INWARD SENSES, FROM WHENCE THEY ARE DERIVED.

PART FIRST.

INTRODUCTION

TO

MORAL DUTIES.

The Physiology of Morals may not be an inapt term for that part of ethical inquiry which points out the faculties called moral senses. Physiology teaches the functions of all the organs of animals and plants, or, in other words, the offices they perform in the economy of the individual. Moral science teaches the inward faculties and the offices they perform in producing the emotions of right and wrong, justice and injustice, benevolence and gratitude, as well as the affections, the desires and the defensive affections of resentment and anger. Thus far a great analogy may be observed. But, as in physical science, physiology does not touch upon pathology and therapeutics, so, in ethics, this branch of moral philosophy does not treat of depravity or moral disease. The moralist is only concerned in defining morals in a healthy state;

and as the physiologist leaves to the physician the cure and prevention of physical diseases, so the moralist leaves to the statesman the prevention and cure of depravity, or moral disease. But as statesmen are not always skilled in the therapeutics of moral disease, we have some curious examples of malpractice.

If a physician were to put to the torture a diseased person, the public sentiment would be horrified. Yet, penal laws have prescribed cruelty in cases of moral disease. The object of the physician is to cure or prevent disease; the object of the statesman should be to prevent and cure moral disease; and the one is no more justified than the other in inflicting useless and unnecessary cruelty. Society needs protection only against fraud and violence; and punishment beyond what is necessary to insure this is revenge, and society becomes the offender. Revenge is a vice, as is shown under the head "Defensive Affections," page 73. The same rules of moral conduct which apply to an individual are equally applicable to a community, and are the only safe guide to a statesman.

We are constituted with senses by which we distinguish between form and color, bitter and sweet, hard and soft, perfume and stench, harmony and discord. These are the *outward senses.* But we are also provided with *internal senses,* which convey to us impressions of right and wrong, justice and injustice, pleasure and pain, satisfaction and regret. These faculties are as much a part of our constitution as are our legs: yet neither of these come with us perfect into the world; they require to be perfected by practice and custom. Children require a time before they can walk; even the use of their eyes requires practice before they can judge of distances. A child may try to reach the moon, but soon learns by experience the futility of the effort. So with the moral faculties; they require cultivation and the formation of habits; these once formed the character is established.

I shall now endeavor to describe the moral feelings, and to add rules for their right government. These feelings furnish us with a consciousness of the moral quality of our

actions, whether they are right, or whether they are wrong, and seem to be implanted in us by our Creator as one of the modes by which we may know His will; and as there can be no doubt that He designed us to be happy, they give us an assurance of His approval.

THE MORAL SENSE.

There is implanted in mankind a sense of right and wrong not derived from a chain of reasoning; yet this sense so impresses itself upon us, and is so binding in its decisions, that it seems an inward monitor: it modifies our actions, directs our conduct, gives a sense of joy when we know we have complied with its behests, and a sense of remorse when we feel that we have disregarded them. The knowledge we thus obtain is quite different from that we obtain through the external senses, yet its intuitions can not be rejected. This sense is called *conscience*, by some thought

to be intuitive, and may be defined to be a judgment which a man passes on the moral quality of his actions as to their purity or turpitude. It condemns things that are evil and approves those which are good. It is amenable to no human power and can not be coerced, and has sustained many under the most cruel persecutions. All laws, therefore, against the rights of conscience are unwarranted and wrong. The example of wise and good men may become rules of conscience; but no example or judgment against law is of any authority, except so far as to suggest the repeal of bad laws. Conscience is, then, considered a natural and common principle which instructs men in all countries the duties to which they are all alike obliged, but varied by association. Even among the rudest tribes of men a distinction has ever been made between just and unjust—a duty and a crime; even the criminal is conscious of his guilt. A right conscience is that which decides right according to the only rule of rectitude: "Do to others as you would that others should do to you." But conscience, by evil associations,

may lose the sense of the natural distinction of moral good and evil: when reflecting on wickedness it feels no pain, it does not startle at the proposal of crime, and is even silent at the commission of it. To preserve a pure conscience we must be familiar with all virtuous acts, we must guard against selfishness, passion, and temper, control our desires, accustom ourselves to calm reflection on our past actions, must regard the interest of others as well as our own, so as to do injury to none, and judge charitably of all. As conscience, then, is the judge of our actions, to which we appeal for approval or disapproval, it behooves us cautiously to guard against those influences which mislead its decisions; and to this end we must inquire into the nature of such influences, how they operate, and endeavor to find some means of subjecting them to a proper control.

Some writers deny that conscience is an intuitive sense, or that its judgments are common and uniform; but, without entering into this controversy, I shall simply assert, and without fear of contradiction, that some

sorts of actions command and receive the esteem of mankind more than others, and that the approbation of them is general, if not universal. And whether it be intuitive, or whether it be mere habit or imitation, it is a habit and an imitation to be fostered and cultivated. Maxims and principles of right and wrong should be early inculcated, and if thereby a law of custom favorable to virtue and good citizenship can be even partially established, it will lead to greater uniformity in the opinions of men, and promote the happiness of mankind.

RULES OF CONSCIENCE.

"Do to others as you would that others should do to you." Imitate the example of wise and good men, that by practice you may form habits of similar conduct. Do no act the reflection of which will not give satisfaction, for the consciousness of having done wrong brings painful remorse. Practice charity and good-will, for it not only gives satisfaction, but induces reciprocity. Strive to do

right, that God may approve and bless your efforts.

JUSTICE.

To be just in all our actions is a moral duty second to none: we will therefore consider what justice is. Justice is an essential part of our moral constitution, conveying the distinct impression of certain conduct which a man owes to his fellow-man, without regard to any considerations of a personal nature, and apart from all positive laws. The requirements of justice embrace certain points in which every man has an absolute right, and in respect to which it is the absolute duty of every other man not to interfere with him.

These rights have been divided into three classes: What I have a right to possess, and no man has a right to take from me; What I have a right to do, and no man has a right to prevent me from doing; What I have a right to expect from other men, and it is their absolute duty to perform. These principles form the basis of natural jurisprudence—a code of

relative duty, deriving its authority from impressions which are found in the moral feelings of all mankind, without regard to enactments of any particular civil society. In the actual arrangements of civil communities these great principles of justice are combined with others which are derived merely from utility or expediency, as calculated to promote the peace or the advantage of the community. These may differ in different countries, and they cease to be binding when the enactments on which they rest are repealed; but no difference of place can alter, and no laws can destroy, the essential requirements of justice.

The sense of justice, therefore, consists in a feeling experienced by every man of a certain line of conduct he owes to other men, and may be referred to thus: To respect their interests, not to interfere with their freedom of action—to consult their feelings—do no injury to their reputation—estimate their character and motives with fairness—judge not harshly of their opinions. As a guide for his conduct in particular instances, a man has usually a distinct impression of what he thinks due from

other men toward himself. Justice requires that he rigidly extend to others the same feelings and conduct which, in similar circumstances, he himself would expect from them.

Justice requires us not to interfere with the freedom of action of others. This constitutes personal liberty; but in all civil communities this right is subject to certain restrictions: as when a man uses his freedom of action to the danger or injury of other men. The principles of justice also recognize a man's surrendering, to a certain extent, his personal liberty by mutual and voluntary compact; but only by his personal act, or by his lawful representative, except by such enactments as are lawfully made by the government to which he is subject, either by nativity or adoption. Laws are made for more than one generation, and are binding as long as they are not abrogated.

Justice regards the reputation of others. This consists in avoiding every thing that could injure their good name, either by direct evil-speaking, or such insinuations as might give rise to suspicion or prejudice against them. It must extend also to the counteracting of such in-

sinuations when we hear them made by others, especially in circumstances in which the individual has no opportunity of defending himself. It includes, further, that we do not deny to others, even rivals, any praise or credit which is justly due to them. There is, however, a modification, equally consistent with justice, to which the former is liable, namely: that, in certain cases, we may be required to make a statement prejudicial to an individual when duty to the third party or to the public makes it incumbent on us to do so. In such cases, a person guided by the rules of justice will go no farther than is actually required by the circumstances.

RULES OF JUSTICE.

Respect the rights of others, and do not interfere with their freedom of action, because, by the observance of this rule, your own rights will be secured from the intrusion of others who observe the same rule. Do no injury to the reputation of others, that you may enjoy the same immunity. Estimate the character

of men with fairness, for by "such measure as ye meet, shall be measured to you again." Judge not harshly of the opinions of others, that your own opinions may be respected.

INTEGRITY OR HONESTY.

Honesty is that feeling which makes us prefer the fulfillment of promises or duty, though opposed to our own interest and inclination. We do so because it satisfies our conscience and gains for us the respect of those with whom we have dealings. It teaches us to represent things as they are, to avoid trick or fraud in all our transactions. It enjoins us to enter into no engagement without a full conviction that we shall be able to fulfill its requirements. If we undertake a trust from another, it must be faithfully discharged. By the practice of these principles we greatly promote our own interests; we thereby obtain the confidence and good-will of our fellow-men; and this is often of great assistance to us, enabling us to enter into, and successfully accomplish, enterprises

of profit and advantage, proving that "Honesty is the best policy."

Integrity or honesty allows us to exercise a prudent attention to our own interest, provided the means be fair and honorable, and that we carefully abstain from injuring others by the measures we employ for this purpose. The great rule for our guidance in all such cases is found in the immutable principles of moral rectitude. The test of our conduct in regard to individual instances is, that it be such, as were our own interest concerned, we should think fair and honorable in other men. We must fulfill all contracts we have entered into, pay the full due to those with whom we have dealings, be faithful in our trust, and truthful in all our statements.

RULES OF INTEGRITY.

Before you enter into any engagements inquire of yourself, Shall I be able to fulfill what I am about to undertake? for it is always safe to consider the end as well as the beginning. Faithfully discharge every obligation you enter into; it is by this we estab-

lish our reputation. Reflect before you act, and say, Is this action right?

CANDOR.

Among the moral duties, Candor holds an important place. It is a disposition to form a fair and impartial judgment on the opinions of others; or a temper of mind unsoured by envy, unruffled by malice, and unseduced by prejudice. It consists, not in fairness of speech only, but in fairness of heart. It is not blind attachment to external courtesy; although it conceals faults, it does not invent virtues. It leads us to give due attention to the statements of others; in all cases to be chiefly solicitous to discover truth. It is, therefore, opposed to prejudice, blind attachment to preconceived opinions, and that narrow disputatious spirit which delights in captious criticism, and will hear nothing with calmness that is opposed to its own views. Candor does not, necessarily, require us bluntly to tell every one of his faults, to criticise his personal appearance and capac-

ity, for the vain purpose of displaying our own discernment; this would show a want of consideration for the feelings of others—would be an unwarrantable rudeness; but candor requires us to give praise where it is due, particularly for worthy actions, because it is beneficial to society to encourage the repetition of such actions as contribute to moral conduct.

RULES OF CANDOR.

Endeavor to discover truth, for a hastily-formed opinion may lead to an unconscious wrong. Do not suffer envy, hatred, or malice, self-love or prejudice, to mislead your judgment; by the correctness of your judgment, as well as by your good intention, you will be estimated by your fellow-men. Give praise where it is due, even to an enemy; you will thereby gain respect.

BENEVOLENCE.

Benevolence is the love of mankind in general, accompanied with a desire to promote

their happiness. It is distinguished from *beneficence*—that being the *practice*, benevolence *the desire*, of doing good. Benevolence must be universal, reaching to every man without exception; but beneficence can not be so universal, for it is, necessarily, confined by several considerations, such as our knowledge of its objects, and their different circumstances, as well as our abilities and opportunities of exercising it. Benevolence or good-will to others does not imply that we are to neglect our own interests. Our health, prosperity, and reputation should all be objects of concern: nor will this clash with the affection we bear to others; on the contrary, experiencing the importance of these blessings ourselves, we shall be anxious for others to possess them also. The duties of benevolence include those we owe to men, on the ground that they are of the same species as ourselves, subject to the same wants, and, like ourselves, entitled to sympathy and relief; those we owe to our country, desiring its honor, safety and prosperity; those we owe to families and individ-

uals, as affection, care, provision, justice, forbearance, etc. Benevolence manifests itself by being pleased with the share of good every creature enjoys, in a disposition to increase it, in feeling and uneasiness at suffering, and in the abhorrence of cruelty under every disguise and pretext. The desire of doing good, unconnected with any idea of advantage to ourselves, is called disinterested benevolence—though some doubt whether, strictly speaking, there be any such thing, as benevolence is always attended with a pleasure to ourselves, which forms a kind of mental interest. So far, however, as we are able to prefer the good of others to our own, and sacrifice our own comfort for the welfare of any about us, so far it may be said to be disinterested.

RULES OF BENEVOLENCE.

Love thy neighbor as thyself, for it is a Divine command. Be careful of the reputation of others; it is wicked to injure any one in their good name. Benevolence consists not only in doing good, but also in averting evil.

Great minds, like Heaven, are pleased with doing good, though the ungrateful objects of their favor are barren in return. True benevolence, though it act ever so secretly, finds a just reward, and is one of those impulses of our nature that may be indulged without any other limit than that we do not seriously injure ourselves or those dependent on us.

BENEFICENCE.

Beneficence or Liberality is a generous impulse, and chiefly refers to a peculiar relation of property—although it also refers to a liberality of sentiment. That man may be said to be liberal who entertains a proper sense of justice and good-will to his fellow-man. In regard to the propriety of conduct in relation to property, prodigality and niggardliness are the two contrary and blamable extremes. Niggardliness always refers to those who set too high a value on money—prodigality expresses extravagant profusion joined to inordinate intemperance. Those are called prodigals who waste their fortunes

in ruinous pleasures and debase themselves by worthlessess. Property may be used rightly or it may be abused, and he only can use it rightly who is adorned with the virtue of liberality. Many suppose themselves to be worthy of esteem because they are wealthy, but those whose wealth is of no value to any but themselves can have no such claim: as well might we esteem an iron chest filled with treasure which will never be opened to us. None are more beloved than the liberal; their virtue is extensively useful, diffusing itself in benefits. But the motive from which they proceed is chiefly what constitutes virtue; for liberality, like every other virtue, must keep in view the beauty of propriety, selecting its objects and proportioning its extent according to those rules which right reason prescribes. Favors must be conferred cheerfully and at the proper time. If the gifts we bestow on others occasion us pain, it is proof that we prefer money to generous actions; and if we are rapacious in acquiring money, we can not be truly liberal in employing it. A man of real beneficence

will enrich himself by the diligent management of his affairs, that he may acquire materials for his bounty, which will be distributed with caution, that it may never fail the deserving. It belongs to his character to be provident for others, and extend the measure of his bounty beyond those limits which selfishness would prescribe. Our liberality should be relative to our wealth, and consists not so much in the value of the gifts as in the temper and habit of the giver. Prodigality is the opposite of avarice: the first is excessive in giving and defective in receiving; the last is defective in giving and excessive in receiving, scraping together the meanest and most sordid gains. The real virtue of liberality is in doing all the good we can, consistent with our means: to do less we fail in duty; to do more is imprudence. But it is not giving money only that constitutes generosity—many valuable benefits are conferred by personal service; and the interchange of personal service, in the performance of good offices, is a praiseworthy exercise of the sense of beneficence.

RULES OF BENEFICENCE.

We must not set too high a value on money, for money is only valuable for the uses it may be applied: to value money for the thing itself is niggardliness. We must not waste our fortunes in ruinous pleasures, for this would be prodigality. To enjoy the use of money we must be liberal, for it is always agreeable to a generous mind to diffuse benefits.

What we give we should give cheerfully, but not without propriety and prudence. If we would enjoy the pleasures of wealth we must manage our affairs with diligence, that we may acquire material for our bounty, and distribute it with caution, that it may not fail the deserving. Our liberality should always be proportionate to our means; but the kind office of personal service is often of greater value than gifts, and more highly appreciated.

COMPASSION.

Compassion is that feeling which is excited either by the actual distress of its object or by some impending calamity which appears inevitable. It is a benevolent sorrow for the suffering or approaching misery of another. This feeling has been wisely implanted in our nature, that we assist each other in times of calamity or danger. This exercise of them, in many instances, calls for a decided sacrifice of personal interest, and in others for considerable personal exertion. We feel our way to the proper measure of these sacrifices of personal interest and exertion by the high principle of moral duty, along with that mental exercise which places us in the situation of others, and, by a kind of reflected self-love, we judge the conduct due by us under the particular circumstances. Pecuniary aid by those who have the means is the most easy mode of gratifying their feeling of compassion; that which requires sacrifice of personal comfort calls for a goodness of heart and generous impulse. This affection may be exercised in a

higher degree by personal exertion and kind services. The former, compared with the means of the individual, may present a mere mockery of compassion, while the latter, even among the poorest, often exhibits the brightest displays of active usefulness that can adorn the human character. Pure compassion not only is dispensed with willingness when occasions present themselves, but seeks out opportunities for itself, and feels in want of its natural and healthy exercise when deprived of an object upon which it may be bestowed.

RULES OF COMPASSION.

Be always ready to assist in time of calamity or danger; it is a duty we owe to one another, and we know not when we ourselves may require aid. Compassion, to be of value, must be active; only active usefulness can afford satisfaction. The truly compassionate are the truly wise; and he who loves not others, lives unblest.

VERACITY.

Moral truth consists in our intention to convey to another, to the best of our ability, the conception of a fact exactly as it exists in our own minds. But, considering the importance of truth, it is incumbent on us to use every exertion to know that we have a right impression; for as much injury may be done by representing as true that which is false, but which we have not sufficiently inquired into, to guard against error, or of which we have formed a false opinion. The importance of truth may be formed from the fact that all intelligence which we derive from any other source than our own personal experience is founded in the veracity of mankind. All we receive from the historian, the traveler, the naturalist, or the astronomer, we must depend on his veracity; without this reliance the whole system of human things would go into confusion. Even in regard to the events of a single day, we depend on the veracity of a number of individuals. There is a natural tendency to truth in all men, unless this prin-

ciple is overcome by some strong, selfish purpose, or bad association and habit, by which the moral sense has been corrupted; and there is an equally strong tendency to rely on the veracity of others, until we have learned certain cautions by our actual experience of mankind. Children and inexperienced persons are easily imposed upon, and the most practiced liars confide in the credulity of those they would deceive. Deception, indeed, would never accomplish its purpose if it were not from the impression that men generally speak the truth. It is obvious, also, that the mutual confidence which men have in each other, both in regard to veracity of statements and to sincerity of intention respecting engagements, is that which keeps together the whole of civil society. In the transactions of commerce it is indispensable, and without it all the relations of civil life would go to disorder. An analysis of the elements of veracity would appear to be correctness in ascertaining facts, accuracy in relating them, and truth of purpose, or fidelity in the fulfilments of promises. An important element of veracity is correctness

in ascertaining facts. It requires us to exercise the most anxious care respecting every statement which we receive as true, and not to receive it as such until we are satisfied that the authority on which it is asserted is of a nature on which we can fully rely, and that the statement contains all the facts to which our attention ought to be directed. We must guard against those limited views which party spirit or love of favorite dogmas lead a man to receive the facts which favor a particular opinion, and to neglect those which are opposed to it. The art of ingenious disputation is often found to be directly at variance with truth, as is all sophistical arguments and partial or distorted reasoning by which disputants strive to establish their views, instead of an honest and earnest inquiry after truth. The love of truth, therefore, requires us to relinquish our opinions when new facts or arguments are presented to us which are found to overturn them. This candid and sincere search after truth ought to be cultivated in early life, as it is this habit of mind which exercises the greatest influence

in the culture both of the moral and intellectual character.

After correctly ascertaining facts, it is important to correctly relate them, so as not to convey a false impression. They must not be distorted or colored, so as to alter materially the impression conveyed by them : facts which are unconnected must not be made to appear as cause and effect; general conclusions must not be assumed from isolated facts. The character of an individual may be assumed from a single act, which, if the truth were fully known, might be seen to be opposed to his real disposition, and accounted for by the circumstances in which he happened at the time to be placed.

Veracity requires the faithful performance of promises—not only what is actually promised, but what was conveyed by the manner and circumstances the intention which the expressions were calculated to make, or the hope they excited at the time. There can be no excuse for the non-performance of a promise, except the inability to perform it, or that the doing so would be unlawful. It is a

fraud to make a false impression, with an intention to deceive, whether it be made by words, tone of voice, a look of the eye, a motion of the head, or any thing by which the mind of another may be unfairly influenced and misled. This applies to all our intercourse with men. Truth forbids parents to lie to children, and children to parents; attorneys to jurors; sellers to buyers. The obligation is universal and can not be violated without great turpitude. We are created with a disposition to speak the truth, and also to believe what is spoken. The fact that we are thus constituted is a sufficient intimation that our Creator intended us to obey this constitution of our nature. The intention is as evident, as that which is manifested in creating the eye to receive light.

We are so constituted that obedience to the law of veracity is absolutely necessary to our happiness. Were we to lose either our feeling of the obligation to speak the truth, or our disposition to receive as truth whatever is told to us, there would be an end to all science or knowledge beyond that, as

we have said, which every man by his own personal experience and observation has obtained. No man could profit by the discoveries of his contemporaries, much less by the discoveries of those who have gone before him. Language would be useless, and we should be little removed from brutes. Every one must be aware, upon the slightest reflection, that an entire community of liars could not exist in a state of society.

RULES OF VERACITY.

Be ever vigilant to ascertain facts: to receive as true that which is false, compromises our judgment; and if we repeat as true what we have erroneously accepted as such, we damage our reputation. Relate what you know without distortion or coloring, lest you fall into a habit of misrepresenting. Fulfill all promises in the manner such promises were intended and understood; it is a want of high principle to quibble, evade, or to do less than was promised.

FRIENDSHIP.

The feeling of friendship consists in a peculiar attachment to a particular person, founded either upon qualities in himself, or on account of some benefits he has conferred upon us; or in a congeniality of disposition which gives rise to a particular interest which leads to a much greater sacrifice of personal benefit and comfort than usually proceeds either from justice or simple benevolence. The exertion arising out of this feeling leads us to defend, preserve, and advance his reputation, treating his feelings with peculiar tenderness and his failings with peculiar indulgence. It further induces us to endeavor to promote his moral condition, as well as worldly advantage. We are gratified in his advancement and happiness, and regard his enemies as our enemies. It is to be regretted that this feeling leads us to be blind to his failings and deficiencies, and, if we are not very guarded, may lead us to think or act unjustly towards others; but a mind well balanced by justice will avoid this error, for

justice is a higher duty than friendship, and wider in its sphere of action, and therefore must always take precedence of personal affection. In forming friendships great caution is required, lest we enter into associations which we might afterwards regret; nor are we to expect perfection in those with whom we form fellowship. We must always be tolerant to differences of opinion, for opinion is formed by experience and association, and these being various, so will opinion vary; and, without tolerance, friendship can not be preserved. Although friendship may be rare, it is sometimes productive of great happiness, and should be always cultivated where it can be done with safety.

RULES OF FRIENDSHIP.

Defend, preserve, and advance the interests of your friend, respect his feelings, protect his reputation; but, in doing this, be careful not to violate the rules of justice to others. It is necessary to friendship, that openness of temper and obliging manners on both hands be

cultivated. We must not desert our friends in danger or distress. We must not form friendships rashly; true happiness consists not in the multitude of friends, but in having those of real worth.

PARENTAL DUTIES.

The adaptation of physical and moral laws, under which man is placed, to the promotion of human happiness, is beautifully illustrated in the relation which exists between parent and child. By accurately observing this relation, we find it not only contains a provision for the well-being of successive generations, but also to establish a tendency to indefinite social progress. The parent is endowed with the love of offspring, which renders it a pleasure to him to contribute to its welfare, and to give the child, by every means in his power, the benefit of his experience. And, on the contrary, there is in the child, if not a corresponding love of the parent, a disposition to submit to the parent's wishes and yield to his authority. Were either of these dispositions

wanting, it is evident that the whole social system would be disarranged, and incalculable misery entailed upon our race.

The parent being of an age, and having experience to control and direct the child, and being instinctively compelled to exert this control for the child's benefit, and the child being instinctively disposed to yield to his authority when judiciously exerted, the child grows up under a system in which he yields to the will of another, and thus he learns at home to submit to the laws of that society of which he is to become a member. Hence, whenever the parent fails to exercise judiciously the parental authority, it has ever been found to produce domestic trouble, and often proves the precursor of social disorder and public turbulence. It is a common remark that children are influenced by example more readily than by other means. By the institution of marriage this principle of human nature is employed as an instrument of the greatest possible good. The basis of the marriage covenant being affection, it supposes each party to prefer the happiness of

the other to his own. Every manifestation of this disinterested and self-denying principle, becomes an example to children. The happiness which results from the exercise of these virtues, and, still more, the affection exercised by the parents toward their children, present constantly before their eyes an example and operating motive to cultivate the same dispositions.

The wants of children make it necessary that some one should maintain them, and as no one has a right to burden others with his act, it follows that parents should undertake the charge themselves. Besides this plain inference, the affection of parents for their children, and the provisions which nature has prepared in the person of the mother for the sustentation of the infant, are a manifestation of the will of the Creator. The authority to command rests with the parent, the duty of submission remains with the child. This relation is a part of our common nature; yet the parent should not exercise this authority from love of power, or for his own advantage only, but from affection and for the advantage

of the child. If a child be disobedient, the parent is still under an obligation to act toward it for its own good. If a parent be unreasonable, this does not release the child; he is still bound to honor, obey, and reverence his parent.

The parent is under an obligation to educate his children and fit them to fill a position in society; and that parent who neglects this imperative duty, commits not only a great wrong upon the child, but also a great wrong upon society. As this duty is too frequently neglected, it has been wisely ordered by the State, that free schools shall be established, so that there shall be no excuse for a parent bringing up a child in ignorance; and that parent who fails in the performance of this duty will find, when it is too late, that he has prepared for himself a great amount of misery and disappointment. It is a law of our nature that our own personal advantage and the discharge of duty are so intimately connected, that the discharge or the neglect of this duty, will bring with it its own reward or punishment.

RULES OF PARENTAL DUTY.

Cultivate parental affection which is common to mankind; it will bring a great reward. Be careful in the training of children, for on this depends their happiness. Teach them to respect lawful authority, for on this depends the welfare of society. Provide for the wants of children, for it is the law of nature. Let the motive of every act be for the benefit of the child; and, when he is old enough to appreciate your love, he will return your affection with reverence and respect. See that your children are properly educated, that they may fill with credit their position in society, which will reflect upon you great honor.

DUTIES OF CHILDREN.

Children must be supposed to have attained some degree of discretion before they are capable of any duty. There is an interval of eight or nine years between the dawning and the maturity of reason, in which it is necessary to subject the inclination of children

to many restraints, and direct their application to many employments, the tendency and use of which they can not judge, for this reason the obedience and submission of children should be ready and implicit, with the exception of any manifest crime which may be commanded to them.

If children, when they grow up, voluntarily remain members of their father's family, they are bound, besides the general duty of gratitude to their parents, to observe such regulations of the family as the father shall appoint, contribute their labor to his support, if necessary, and confine themselves to such expenses as he shall allow. After they have attained manhood, and left their father's house, the obligations to parents are the duty of gratitude, combined with affection, for the care, support, protection, and education they have received, and should show itself in a compliance with the will of the parents, a constant endeavor to gratify their wishes, promote their enjoyments, and soften their anxieties, in small matters as well as great; in assisting them in their business; in contributing to their sup-

port, ease, or better accommodation when their circumstances require it; in affording them company in preference to more amusing engagements; in waiting upon their sickness or decrepitude; in bearing with the infirmities of their health or temper, which often attend upon advanced years; for where must old age find indulgence, if it do not meet with it in the affection and partiality of children? Obedience to parents is enjoined in the Scriptures, and is a moral duty imposed upon us by our sense of gratitude and justice.

RULES ON THE DUTY OF CHILDREN.

Be obedient to your parents, because of their greater experience and the affection they bear you: these give them knowledge and a desire to promote your good. Consult their wishes, bear with their infirmities, for it is but justice and gratitude for the many cares and anxieties they have experienced in protecting and guiding you when you were unable to protect yourselves. Soften their

anxieties and promote their enjoyments; you will thereby gain the respect and consideration of those who know you, and experience a grateful satisfaction in having discharged so obvious a duty.

THE DOMESTIC AFFECTIONS.

These are natural instincts common to us all. The reciprocal affections of parent and child, the ties of brothers and sisters, call for some sacrifice of personal ease, advantage, and comfort in the discharge of duties resulting from these. In the conjugal relation they lead us to tenderness, confidence, and mutual forbearance; they unite the exertions of those, who have one hope, one interest, and one course of duty. The parental relation implies the highest possible degree of that feeling which studies the advantage of the objects of its care, the promotion of their happiness, the development of their intellects, the formation of their habits, and the cultivation of the affections, as well as the development of character both as intellectual and

moral beings. The filial relation requires respect, affection, submission, and confidence, and an impression that those parts of parental management which may often be disagreeable, are guided by a sincere desire to promote the highest interests of the objects of his regard. These affections arise out of each other, and their right exercise tends to a mutual cultivation of them both by parent and child. The father ought to consider his son the highest object of his care, and should study to convey the impression that he is influenced only by a feeling of solemn responsibility and an anxious desire to promote his welfare. The son will naturally learn to estimate alike the conduct itself, and the principles from which it springs, and will look to the parent as his safest guide and counselor. The same principles, extended to the relation of mother and daughter, apply with even greater force. In the arrangement of society, they are thrown more together, and a watchful superintendence may be still more habitually exercised, which, along with the great concern of cultivating the intellectual and moral

being, neglects not those graces and delicacies which belong peculiarly to the female character. As brothers and sisters are the next with whom we form social and moral connections, to these intimate relations we owe an especial regard. Brothers and sisters should enter into a strict league of friendship, mutual sympathy, advice, assistance, and a generous intercourse of kind offices, remembering their relation to common parents, which unites them in a closer community of interest and affection. It is in the domestic circle that our highest principles and best feelings are cultivated; it is by the actual exhibition of example, and uniform recognition of chaste conversation, united with respect, that a superior character is formed.

RULES FOR DOMESTIC INTERCOURSE.

Let the conduct of parents be such as they would wish to see in their children, that they may command their respect and esteem.

It is the duty of children to respect and love their parents, that their care may be extended

and continued to them, and that they may have a sure friend whom they may consult in all times of difficulty and trouble.

Let brothers and sisters cultivate mutual affection, and be ever ready to reciprocate kind offices, a generous intercourse, and a common sympathy.

GRATITUDE.

That pleasing affection of the mind which arises from a sense of favors received, is called gratitude, and by which the person benefited is urged to make all the returns of love and service in his power. It is mostly connected with an impressive sense of the amiable disposition of the person who has conferred a favor, and it immediately produces a personal affection toward him. We shall not wonder at the strength and energy of this affection, when we consider it is compounded of the joy of receiving, the approval of the good communicated, and affection for the donor. It is an affection deserving of cultivation, because whatever is done that

contributes to the general happiness by voluntary motive is deserving of the highest praise. In prescribing rules of justice, much must be left to those offices of kindness which men remain at liberty to exert or to withhold. But, as voluntary acts of kindness are a great source of happiness, they deserve to be encouraged, and it is therefore of considerable general importance that acts of kindness should meet with a proper return. A generous mind will reciprocate acts of kindness, and this reciprocation is the most pleasing exertion of goodness, and is in accordance with the rules of justice. The existence of this sort of kindness depends mainly upon the return which it receives.

RULES OF GRATITUDE.

Receive with due appreciation benefits voluntarily conferred, and esteem the giver, because his act of kindness was without claim.

Make at all times a proper acknowledgment, and, when practicable, a suitable return for favors received; it is but justice to be

grateful for voluntary acts of kindness, besides it is a mark of goodness that can only be maintained by a proper appreciation and suitable acknowledgment.

OF DESIRES.

The desires, implanted in us for a wise purpose, are, indeed, a part of our nature; they should be guided by the dictates of reason, for, though they are necessary to our support and gratification, unless guided by prudence and subjected to a sense of propriety, they may greatly mislead us: it is, therefore, incumbent upon us to distinguish between their use and the many abuses they are capable of; and, to this end, we shall consider the several desires separately, but in classification we can only be guided by the nature of the various objects desired.

ANIMAL DESIRES.

Those we possess in common with the brute creation require to be kept under the rigid

control both of reason and conscience. When they are allowed to break through these restraints and become leading principles of action, they form a character lowest in the scale of rational and moral being. The consequence to society is also of the most baneful character. Without alluding to the glutton or the drunkard, what accumulated guilt, degredation, and wretchedness follow the course of the libertine—blasting whatever comes within the reach of his influence, and extending a demoralizing power! Although the demoralizing effect of the vicious exercise of this desire is felt in every community, how to place legal restraints has baffled the earnest efforts of legislatures, as well as the benevolent exertions of the philanthropist. That it is an injury to society, is universally admitted. An injury to society is a crime, but, as crimes can only be punished upon sufficient evidence, there remains only the condemnation of public opinion and an accusing conscience. As all incentives to crime share a part of guilt which attaches to the crime itself, lewd conversation, wanton songs, obscene books, pic-

tures, are such incentives; and few crimes within the reach of private wickedness have more to answer for or less to plead in their excuse.

RULES FOR THE GOVERNMENT OF THE DESIRES.

So control your desires, that you may not transgress the law; you will then avoid its punishment. Do not violate your conscience, that you may escape remorse. Avoid the evils which provoke public condemnation, and remember that your crimes are known to an all-seeing God. Indulge not in lewd conversation; it is a violation of decency and an incentive to crime.

THE DESIRE OF APPROBATION.

The desire of approbation may be considered a laudable feeling—as when a man seeks the approbation of others by deeds of benevolence, public spirit, or patriotism, by actions calculated to promote the advantage or com-

fort either of communities or individuals. In a healthy exercise of it, a man desires the approbation of the good; in the distorted use of it, he seeks only the praise of a party by deeds of a frivolous or even vicious character, for his own private ends, aims at the applause of his associates, or the ignorant, whose praise is worthless. The desire of approbation may exist in either a virtuous or vicious mind; but it is a principle which, in general, we expect to find operating in every well-regulated mind, under certain restrictions. Thus a man who is totally regardless of character—that, is regardless of the opinion of all others respecting his conduct—we commonly consider as a man lost to all virtuous feeling. The character in which the love of approbation is a ruling principle is therefore modified by the direction of it. To desire the approbation of the virtuous, leads to a conduct of a correspondent kind, and to a steadiness and consistency in such conduct; to seek the approbation of the vicious, leads, of course, to an opposite character. There is another modification of the love of approbation, in

which this prevailing principle of man is gratified, with little or without any discrimination of the characters of those whose praise he seeks, or of the value of the qualities for which he seeks praise. This is vanity. It produces a conduct continually wavering and changing with circumstances: he seeks praise for trivial things, and is pleased with flattery. Our regard for the opinions of others, is the sign of respect for our own character, particularly in matters that agree with high moral principle, and it is of extensive influence in promoting the harmonies, proprieties, and decencies of society.

It is the foundation of good-breeding, and leads to kindness and accommodation in little matters which do not belong to the class of duties. It is also the source of decorum and propriety, which lead a man to conduct himself in a manner becoming his character and circumstances. Without the love of approbation, we may commit acts which, though not wrong in themselves, may render us despised and ridiculous. It is necessary in life, if we wish to arrive at a position of respectability,

that we respect the character of others whose esteem we covet.

RULES FOR THE DESIRE OF APPROBATION.

Seek not applause for trivial acts, for you will only obtain it from the foolish or designing: the latter will see that your weakness is vanity; they will flatter you to gain their own ends.

Our regard for the opinions of others is a sign of respect for our own character: he who regards not the opinions of others in reference to his own character, loses one of the incentives to virtue. Conduct yourself with courtesy to others, for it conduces to the harmony and decorum of society. Seek not approbation for things trivial and frivolous, for it manifests vanity and weakness of character.

THE DESIRE OF EMULATION.

To aim at the acquirement of preëminence is called the desire of emulation. It is a propensity of extensive influence, and not

easily confined within the bounds of correct principle. It is apt to lead to undue means for the accomplishment of its object, and every real or imaginary failure tends to excite envy and hatred. Hence it requires the most careful regulation, and, when much encouraged in the young, is not free from the danger of generating malignant passions. Its influence and tendency, as in other desires, depend, in a great measure, on the objects to which it is directed. A generous emulation is an ardor kindled by the praiseworthy examples of others, which impel us to imitate, to rival, and, if possible, to excel them. This desire involves in it, esteem of the person whose attainments or conduct we emulate, of the qualities and actions in which we emulate him, and a desire of resemblance, together with the joy springing from the hope of success. Emulation admires great actions, and strives to imitate them; it is opposed to envy, which refuses the praise that is due to others. Emulation is generous, and only seeks to rival or to surpass a rival; envy is low, and only seeks to

lessen and traduce, and gives rise to hatred and revenge. Emulation, rightly directed, is a virtue to be encouraged; envy is a vice to be shunned.

RULES OF THE DESIRE OF EMULATION.

Emulate praiseworthy actions, and, if possible, excel them; it is the road to honor. Give praise to great and noble actions, for they are worthy of admiration. Shun envy for it inspires hatred, and often brings shame. Seek to excel in all that is good and honorable; to excel in wickedness, fraud, and cunning is detestable, but to excel in virtue deserves the highest praise, and insures that felicity which is the effect of an approving conscience.

AMBITION.

The love of power or the desire to rule is called ambition. It finds gratification in predominating a circle, whether it be more or less extensive, and, like all other desires, is liable to misdirection. When it becomes the

governing propensity, the strongest principles of human nature give way before it. This one predominating desire overrides every consideration; it disregards justice, it disregards honesty, substitutes deceit for candor, envy for emulation, and love of self for love of country. It makes it its business, by factions and bribery, to form a strong party, and rather chooses to be uppermost by force and injustice, than equal to others by fair and upright means. Thus we see the conqueror brave every danger, difficulty, and privation, for the attainment of power, and, when he has obtained it, seeks its further extension by war, spreading desolation in his path, and laying whole countries waste. Human life and human suffering give him no concern; his whole being is absorbed in this one desire of self-aggrandizement. But while this desire, when misdirected, is a most heinous vice, the principle assumes another form when it takes another direction and aims at a higher object—such as the desire of exercising power over men to promote deeds of usefulness. Those only are truly great who,

under the direction of wisdom, prudence, and good conscience, deem that only to be honor and credit which consists in real and intrinsically good actions, and who are not so eager of appearing to be greater and better than others as of really being so. But he that is so mean as to find his chief gratification in the applause of a giddy or ignorant multitude, in preference to the sublime feeling of conscious rectitude, ought never to be accounted a truly great spirit, but only an example of small talents united with the great weakness, and the foolish desire of applause. Although he may have committed acts of daring, they deserve only the name of foolhardiness, for true courage is based upon wisdom, which only encounters dangers for worthy objects.

RULES OF AMBITION.

Guard against undue ambition, for it is the cause of many inquietudes. Let your aim be to excel in virtue and wisdom, and you will gain the applause of just men. Beware of

selfish ambition, for it is an atrocious vice; and, however great you may become by unworthy means, though the foolish may applaud, you will have the condemnation of your own conscience and the reprobation of good men, and will have provoked the wrath of an offended God. Reckless and selfish ambition should ever be reprobated and despised, because of the ruin it inevitably occasions.

THE DESIRE OF WEALTH.

The desire of wealth is a universal motive; the necessities of our nature, in civil society, demand at least sufficient for the supply of our wants. Nor should the necessaries of our nature be the limit of our desires, because, in the constitution of society, by misfortune or sickness many are placed in circumstances to need the help of their fellowmen; therefore this desire may be cultivated within reasonable limits, to enable us to perform those acts of benevolence which are natural to every man whose moral condition is not corrupted. In order to gratify this desire, it

is first necessary to acquire knowledge, in order that we may with efficiency fill the position in society in which circumstances may place us; and the more we can do that is useful to society the greater will be our chance of reward. But whatever we do for the purpose of acquiring wealth, let us be guided by the rules of justice and integrity, and not be too eager in its pursuit, lest we fall into avarice, which is an inordinate or excessive abuse of this desire. Avarice is a vice which engrosses the whole character, acquiring strength by continuance, and is generally accompanied by a contracted selfishness, which considers nothing too mean or too unworthy that can be made to contribute to the ruling passion; and, if it breaks through the restraints of justice, it leads to fraud, extortion, deceit, and wrong, and, under another form, to theft or robbery.

God has plainly designed the happiness of his creatures; hence it is a right and a duty for them to get all the money they can, consistently with obedience to the law of the land and the moral laws, for the purpose of

furnishing necessary support for themselves and families, and for the exercise of benevolence toward those in need, as well as for a moderate indulgence of a cultivated taste, and to enable us to take part in those great and useful enterprises which benefit and ennoble our country.

RULES FOR THE DESIRE OF WEALTH.

Acquire knowledge, that you may be qualified to conduct the business of life with prudence and success. Get money by every honest means, to supply the wants of nature, to indulge moderately in the gratification of a cultivated taste, to be able to discharge those duties of benevolence which the constitution of society renders necessary, and to take part in those great and useful enterprises which enrich and ennoble our country. Avoid an inordinate eagerness after wealth, which is called *avarice*, for this is a most despicable vice.

THE DESIRE OF KNOWLEDGE.

This desire is strongly implanted in our nature, and may lead to highly useful purposes, but, like other desires, may be directed to unworthy objects, and sometimes is so neglected as to lead to degrading ignorance. After storing the mind with such things as our circumstances and early education permit, and which has, or should have been, the charge of our parents, our attention should first be directed to such knowledge as is necessary to supply the wants of our nature; and, in approaching this consideration, we shall become sensible of the many obligations we owe to parents, who have taken care of us during our infancy, supplied our wants, and taken care of our moral training; and, now that it is necessary to prepare for the business of life, it becomes of the highest importance that this desire should be properly guided to objects which concern our future welfare. We should deeply impress our minds with the importance of the rich and inestimable advantage of right reasoning, and the vast

consequence of sound judgment; and these can only be acquired by such studies as call forth the exercise of the reasoning powers. We must examine into the motives of men, consider the weaknesses, failings, and mistakes of human nature, and not be satisfied with a slight view of things, but to take a wide survey, for it is by a knowledge of the history of the past, that we gain vantage ground as a starting-point in our career. No one is expected to know every thing, but it is necessary for every one, after laying in a tolerable stock of ideas, to direct his attention to some special pursuit by which he means to support himself; for he will obtain little honor, however diversified may be his learning, unless he is qualified to fill with tolerable efficiency some place in society. Those whose means place them beyond the necessity of providing for their own support and a moderate indulgence of their taste, the search after knowledge furnishes infinite satisfaction, and fits them to be an example to others who are less fortunate. Superior wisdom and the practice of virtue are the only real and

worthy distinctions that can raise men above the common level. To be rich and ignorant is a pitiable condition, for it leads to folly and frivolity. It places persons out of their proper sphere: they attempt, by extravagant dress and lavish expenditure, to attract attention, and, when the public gaze is directed to them, they are pleased with the notoriety—they receive as distinction what, in reality, is only ridicule; and when their riches have been dishonestly gained, their vain show is like setting up Folly and Vice on a pedestal, to excite scorn and contempt. It is true that men are born equal, but that equality is soon destroyed, when one cultivates his talents and his tastes and lives a virtuous life, while another, neglecting all culture, lives a life of ignorance, vice, and crime: the first exalts himself, and gains the admiration of men; the latter degrades himself almost to the level of the brutes, and excites pity or contempt. Hence it will be seen that social equality is an impossibility, and is one of those popular errors which lead to many impertinences by those who, from ignorance, mistake that equality

before the law, which a free government secures to every citizen, *and is his right*, for social equality, to which, from want of culture, want of virtue, and dissolute habits, there are many who can have no just claim.

RULES FOR THE DESIRE OF KNOWLEDGE.

Our attention should be first directed to acquire such knowledge as will improve our reasoning powers. We should be acquainted with history, and hence learn the motives and actions of men under peculiar and important circumstances, and what the results. We should study some special pursuit, by which to support ourselves. We should practice virtue, be firm in our integrity, and qualify ourselves to fill with credit any position we may attain to; and, if we have leisure, the search after knowledge in the wide range of science will afford infinite satisfaction—raise us to distinction, on account of our usefulness and virtues.

THE DEFENSIVE AFFECTIONS.

The feelings of anger and resentment are not to be left out of consideration, in treating of our moral constitution. These feelings are calculated to fulfill important purposes in our intercourse with men. Their proper object is a sense of unworthy conduct in others, and they lead us to take proper measures to defend ourselves against injury. Scandalous conduct is generally punishable by law; as members of society, we are entitled to protection; to defend ourselves is a natural right; but, in entering into society, we have ceded that right. Anger when joined to revenge is a compound of sorrow and malignity—sorrow for an unprovoked injury, and a feeling of resentment. But resentment is apt, under great provocation, to run into excess, when it becomes revenge, which we should endeavor to avoid. Revenge is a passion which all must detest, for malignity is ever deemed an aggravation of offense. The man who retires to meditate mischief and to exasperate his own rage, whose thoughts are employed only

on means of distress and contrivances of ruin, whose mind never pauses from the remembrance of his own sufferings but to indulge in some hope of enjoying the calamities of another, may be justly numbered among the most miserable of human beings—among those who have neither the gladness of prosperity nor the calm of innocence. Private vengeance is a breach against the public peace, and belongs rather to savage life than civilized society. It is a violation of public law, without the sanction of necessity, for what necessity can be urged where wise laws, with properly organized executive officers, extend their power to the remotest part of the land, giving security to the humblest dwelling, and protection and redress to every citizen whose person, character, or rights have been assailed, or whose property may have suffered damage. No man has a right to be judge, jury, and executive in his own case—to measure the amount of his damage and meet the amount of punishment; it is one of the rights he has ceded for the consideration of the protection of law and the en-

joyment of many blessings which civilized society confers upon its members. The defensive affections suggest caution in our intercourse with men, make us conscious of any wrong we suffer, and urge us to seek the proper redress, and, in extraordinary cases of personal danger, impel us to resistance.

RULES FOR THE DEFENSIVE AFFECTIONS.

Let not your feelings of anger or resentment impel you to too hasty a retaliation—wrongs are sometimes only fancied and sometimes not intended—by hasty retaliation we may do great injustice. We must not take personal vengeance, for it is a breach of law, which should be respected, for it is the only security we have for our life, liberty, person, and property. We must suppress feelings of revenge, for it has so much of malignity that it is a detestable vice; it seeks only the injury of others, which is infamous wickedness.

Let our sense of wrong teach us caution; but trust to the law for redress, except in cases of extreme emergency and peril.

OF VIRTUE.

Virtue is the practice of moral duties agreeable to the inward law—that is, conformable to our moral feelings. These inward feelings are as much a part of our constitution, as are the outward senses. The sense of touch or feeling conveys to us a knowledge that a certain body is hard or soft; the moral sense informs us whether an action is right or wrong. The eye discerns color; the sense of justice teaches us not only our own rights, but also the rights of our fellow-men. The sense of hearing enables us to distinguish sounds; compassion and benevolence make us sensible of the sorrows of others and impel us to give assistance. Thus all the several inward feelings have their own proper office, and each, in its particular way, influences our action. It is by the moral sense that we know what virtue is, and what is vice; and upon this sense is based many of the laws of civil society, particularly that part of law called "equity," which is, in fact, only a conscientious sense of justice.

These inward senses I have endeavored to describe in the preceding pages. By the exercise of these in the manner indicated, and restraining them within reasonable bounds, we discharge our moral duty. Without restraint, these impulses are apt to lead to excess; and this is called vice.

We will proceed to point out what are the obligations of moral duty. As beings having life, we must preserve and nourish it, and for this purpose, we must provide ourselves with food, clothing, and shelter. We must avoid whatever would injure our health or impair our strength. As intellectual beings, we must cultivate our intellectual faculties. The gift of intellect should be prized for its own sake, as well as for the uses to which it may be applied. As moral beings, we have to cultivate the moral susceptibilities, accustom ourselves to attend promptly and faithfully to the dictates of conscience. Man owes it to himself and to society to be chaste—not in act only, but in imagination and purpose; to be truthful in what he says; to be moderate in his desires, not giving way to covetousness,

ambition, or vain display; to be humble—not only in his relation to others, but within his own soul; to avoid apathy and slothfulness. These duties are suggested by our moral feelings, and, when we act in harmony with these, we act virtuously.

In the ordinary business of life it is impossible for men to stop to adjust every action; therefore these moral feelings are wisely made a part of our constitution—are brought constantly into use, and form a ready and excellent test by which our actions may be tried. It may be thought by some who view the matter superficially that virtue may be an enemy to a man's fortune, in the present state of things. But what should prevent a virtuous man from obtaining all that can be obtained by others of less scrupulous character? He can not cringe or fawn, it is true, but he can be as obliging, as a knave; and surely his civility is more alluring, because it has more manliness and grace, than the mean adulation of the other. He can not cheat or undermine, but he may be cautious, provident, watchful of occasions, and equally prompt

with the rogue in improving them; whereas what is called *cunning*, which is the *offspring of ignorance* and *companion of knavery*, is not only a mean-spirited but a short-sighted talent, and an obstacle in the way of business. It may procure, indeed, immediate and petty gains, but it is attended with dreadful abatements, which sink his credit when discovered. It is therefore easy to see how much a man's credit and reputation, and, consequently, his success, depend on his honest virtue. People love better to deal with him; they can trust him more; they know he will not impose on them, nor take advantage of them, and can depend more on his word than on the oath and strongest securities of the other. Hence our commonest interest dictates the practice of moral conduct, and, if we add to this the self-approving joy which arises from a conscientious discharge of our duty in accordance with the right exercise of our moral feeling, we experience as great an amount of happiness as human nature is capable of receiving; and fortunate, indeed, must he be who can

arrive at and maintain so desirable and so exalted a satisfaction.

RULES OF VIRTUE.

We must practice justice, integrity, benevolence, and compassion, because it is our duty to our fellow-men and agreeable to our own sense of right.

We must be candid, truthful, and grateful to friends, for it is the reciprocation of those feelings that makes friendship enduring.

We must regulate our desires and keep them within the bounds of moderation, because, carried to excess, they defeat their own ends, and are hurtful to ourselves, as well as to society.

We must fulfill our duty to parents by obedience, veneration, and affection, from gratitude for the many obligations we owe them.

We must discharge with fidelity our duty to ourselves, in providing for wants of our nature, and cultivate our intellect for the many beneficent uses to which it may be applied.

We must accustom ourselves to attend

promptly to the dictates of conscience, for by this we are guided to act in accordance with the rules of moral rectitude, which lead to happiness.

"Know thou this truth (enough for man to know):
Virtue alone is happiness below."

HAPPINESS

Is the agreeable sensation which springs from the enjoyment of good. The word happy is a relative term—any condition may be denominated happy in which the amount of aggregate pleasure exceeds that of pain—and the degree of happiness depends on the quantity of excess. Perhaps there is nothing which conduces more to happiness than the exercise of the social affections, as those persons usually possess the best spirits who have about them many objects of affection and endearment, as wife, children, kindred, friends, and those are least happy who are deprived of these social relations.

Absolute happiness is only known by name on earth. When we speak of a man as being

happy, we mean only that he is happier than others with whom we compare him, or than the generality of others, or than he himself was in some other situation. Happiness does not consist in the pleasures of sense, as eating, drinking, music, painting, or witnessing exhibitions, etc., for these pleasures continue only for a little while—by repetition lose their relish, and by high expectations often bring disappointment; nor does happiness consist in an exemption from labor or the cares of business, such a state being usually attended with depression of spirits, imaginary anxieties, and the whole train of hypochondriacal affections; nor is it to be found in greatness, rank, or elevated stations, as is abundantly manifested by daily experience; happiness consists in healthy, congenial occupation—to effect a good purpose, with a probable prospect of accomplishing your object—also of having lived a virtuous life, of having performed benevolent actions, and of the satisfaction thereon.

No plentitude of present gratification can make a person happy for a continuance, unless

he have something in reserve—something to look forward to. But hope, which thus appears to be of so much importance to our happiness, is of two kinds: where there is something to be done toward the obtaining our hope, and where there is nothing to be done. The first alone is of any value the latter being apt to produce impatience, having no power but to sit still and wait. This soons grows tiresome. Hence those pleasures which are most valuable are not those which are most exquisite in their fruition, but those which are most productive in engagement and pursuit.

A great source of happiness may be found in well formed habits. The luxurious receive no greater pleasures from their dainties than the poor man from his humble diet. The poor man whenever he goes abroad finds a feast; the epicure must be well entertained to escape disgust. The one is contented with healthy food which is readily obtainable; the other, accustomed to dainties, can seldom be gratified, and is filled with disappointment. Health is important to happiness; therefore

frugal living—that is, temperance both in eating and drinking—is necessary to happiness, as it is conducive to health.

The conditions of happiness may be said to be: a uniform conduct in conformity to our moral feelings, the exercise of the social affections, the pursuit of some engaging end, a prudent constitution of our habits, and the enjoyment of health. These are the earthly objects, in the pursuit of happiness; but we have still higher motives, which impel us to pursue a virtuous life, and to which I shall advert to in the next section on moral duties.

RULES OF HAPPINESS.

Be careful to cultivate the social affections, for in the proper exercise of these depend the harmony of domestic life.

Seek not happiness by over indulgence in eating or drinking, for they destroy health, and good health is necessary to happiness.

Adopt some honorable pursuit, for it is occupation and the hope of success which affords the greatest satisfaction.

Let your conduct be in conformity with your moral feelings, that you may have the satisfaction of the approval of your conscience, and that your life may be acceptable to God, who delights in the happiness of his creatures.

We must be just in our dealings, active in our benevolence, warm in our friendships, moderate in our desires, temperate in our resentments, affectionate in our domestic intercourse, steadfast in doing good. The universal practice of these duties will be productive of our own happiness and the happiness of our fellow-beings.

THE DEFICIENCIES OF MORAL JUSTICE ON EARTH COMPENSATED BY REWARDS AND PUNISHMENTS IN AFTER-LIFE.

It must be admitted that wicked men often escape the punishment due to their crimes, and sometimes do not feel that agony of conscience which the character of their vices might be expected to create—partly from the callousness induced upon their na-

tures by habits of vice, and partly from the continuous dissipation in which their lives are spent, which leaves them no time for reflection. And sometimes good men do not reap all the fruits of their virtue, but are involved in many unforeseen and unavoidable calamities. Upon the smallest reflection, however, it is obvious that the natural tendency of virtue is to produce happiness; and, if it were universally practiced, it would, in fact, produce the greatest sum of happiness of which human nature is capable of experiencing. This tendency of virtue is in accordance with the natural constitution of man as established by the Creator—therefore, it would be extravagantly absurd to suppose that the designs of infinite Wisdom, Goodness, and Power, can be defeated by the perverse conduct of human weakness—and, as a natural and only alternative, we have to conclude that there is a future state, where the moral deficiencies will be rectified. And this gives a further inducement to virtue, to know that an impartial God is judge of our actions, and who will reward us according to

the measure of our virtues, and punish us according to the measure of our vices; and that that reward and that punishment will be eternal.

The moral relations of man toward the Deity might well form a chapter here; but, as this belongs to the theologians, I have concluded to leave it to their hands. The end I have had in view has been to aid virtue on earth, which can not but be acceptable to *our Father who is in Heaven.*

CONCLUDING OBSERVATIONS ON THE MORAL DUTIES.

In morals the chief end is obtained when we have learned to justly estimate worthy causes for the energy of our moral feelings, since the regulation of these feelings is of the utmost importance to virtue and happiness. We are all prompted by nature to pursue what is agreeable and avoid what is painful; and, when the moral feelings have been properly cultivated, we feel pleasure in doing right, and we feel pain in doing wrong;

we are pleased with the beauty of virtue, and we are pained at the deformity of vice; and, by these impulses, we are deterred from excess, and restrained within the bounds of propriety.

It has been thought by some that pleasure, or what is to our interest, is the chief good, because both pleasure and profit are the things most desired. Were man in a state of solitude, separated from all intercourse with society, perhaps his natural instincts would lead him to this conclusion; this would be the virtue of the savage; but it is widely different when he becomes a member of society. In a community governed by just laws, made by the lawful representatives of the people composing such a community, all its members have a common interest; each is, as it were, a partner; and therefore the pleasure and interest of the whole body have to be considered, for what may cause pleasure to one may give pain to many; hence we are not always at liberty to pursue our own pleasure, particularly when, by doing so, we may cause injury to others.

Moreover, pleasure can not be the chief good, for pleasure, combined with virtue, is greater than pleasure alone, and, what is chief or supreme, admits of no mixture or addition. But though pleasure is not the chief good, we are not to reject subordinate joys, for these, often repeated, help to fill the measure of bliss which is allotted to each, and, if not hurtful, there can be no reason why they should not be enjoyed. We admit that every innocent pleasure is a portion of happiness, but not all the happiness we are capable of receiving, for if happiness consists in mere recreative pastime, then all our serious exertions and strenuous labors have a very frivolous end. Yet pleasures have their usefulness, and are profitable. The weakness of human nature requires frequent remissions of energy; but these rests and pauses, are only the better to prepare us for enjoying the pleasures of activity. The amusements of life, therefore, are a part of its business, when they are so regulated as to give additional energy to virtuous actions, which constitute the worth and dignity of

our nature. That the pleasures which gratify one, should be rejected and spurned by another, is not to be wondered at, as human nature is subject to corruptions and depravities of many kinds, and each individual will delight in the pleasures akin to his own particular depravity. Pleasures are not a sufficient basis for virtue and happiness; they are too evanescent; yet they may be an ingredient in both. Those pleasures, only, contribute to happiness which will bear reflection—that is, the reflection of which satisfies the conscience. The moral senses are essential to man in social intercourse; it is by these we are cognizant of our social duties, and that the individual passions are regulated, and, when properly adjusted, are an ornament to those affected by them and beneficial to the public.

Though the moral force is too feeble and insufficient to control the multitude, yet it will have an influence over ingenuous minds; well disciplined youth may thereby be retained in the paths of honor; but the corrupt, on whom conscience has no binding influence,

can not be restrained by the dread of shame, but only by the fear of punishment; their lives are spent in sensual pleasures, and they have no taste nor perception of refined and laudable enjoyments. Instruction will not succeed with men so brutified, unless the mind is previously wrought upon by custom. Before virtue, then, can be acquired, affections congenial to it must be implanted—the love of justice and self-respect, and hatred of baseness and depravity, established. But this can only be done by a good system of education, which it is the duty of the State to provide, and, when these fail, there then remains nothing but, by law, to impose such punishments and discipline as are calculated to bring the wayward to subjection, or to place them where their example may not infect and scandalize the public, and where society may be safe from their depredations.

These subjects will be treated of in the Second Part, which contains the Civil Duties.

THE CIVIL DUTIES:

SHOWING

WHENCE THEY ARISE AND WHERE THEY TERMINATE.

PART SECOND.

CIVIL DUTIES—WHENCE THEY ARISE.

THE duties of civil life are derived from man's necessities as a social being and a member of a civilized community. Man in a state of nature has certain rights. These natural rights consist in the enjoyment and exercise of a power to do what we may think proper, without any other restraint than what results from the law of nature, or what may be denominated the moral law. But as, in a state of nature, each individual must be the protector of his own rights and the avenger of his own wrongs, without claim on his fellow-creatures for assistance, mankind have found it necessary to give up this species of liberty and unite in society for mutual assistance, protection, and defense; hence the origin of

civil rights. To define these rights, and to deduce the duties arising out of them, will form the subject of the succeeding chapters; but it will be convenient to first take a cursory view of civil government generally.

OF GOVERNMENT IN GENERAL.

The earliest forms of human government, there can be no doubt, were patriarchal, or military—as that of a father over his family, or of a commander over his fellow-warriors. Paternal authority and the order of domestic life supplied the foundation of civil government. A family contains the rudiments of an empire; for did mankind spring out of the ground mature and independent, it would be found very difficult to introduce subjection and subordination among them.

A second source of personal authority, and which might easily extend and supersede the patriarchal, is that which results from military arrangement. In wars, either of aggression or of defense, manifest necessity would prompt those who fought on the same side to

array themselves under one leader; and, although their leader was advanced to this eminence for the purpose of managing the operations of one expedition, yet his authority would not terminate with the reasons for which it was conferred. A warrior who had led forth his tribe against their enemies with repeated success, would procure to himself, even in the deliberations of peace, a powerful and perhaps permanent influence; and if this advantage were added to the authority of a patriarchal chief, or favored by any previous distinction of ancestry, it would be no difficult undertaking, among a rude and ignorant people, to obtain an almost absolute direction of the affairs of such a community. The influence of association with a person thus distinguished communicates to his son a portion of the same respect; and hence, perhaps, has arisen hereditary dominion; while thirst for power, common to human nature, has led to aggressive wars for the purpose of aggrandizement and the perpetuation of an absolute rule. The easier to accomplish this purpose, it has ever been the policy of

those in power to associate with them men of influence, by lavishing rewards and distinctions upon them. This forms a common interest, and thereby strengthens their position; and to such an extent has this principle obtained, that mankind has been brought into subjection and subordination, until it has been asserted and believed that a division of mankind into classes, and the subordination of one to the other, was necessary to civilization, and the only security against anarchy. To maintain this system of government, hereditary titles of nobility have been created, the public domain lavishly given away, and secured to the recipients by the laws of primogeniture and entail. The hereditary privilege to legislate has been given to the adherents of the crown, and the people have been required to obey laws which have been made, not only without, but also against, their consent. The people have been taught that God had appointed the different conditions of men; that they must be contented in the situation He had placed them; that rulers have been placed over them by His grace;

that they ruled by Divine Right. Well may philosophers express their wonder at the universal subjugation of strength to weakness, to see many millions of robust men, in complete use and exercise of their personal faculties, and without any defect of courage, waiting upon the will of a child, a woman, a driveler, or a lunatic. Yet such has been the character of the Old World's civilization—and has its advocates and enthusiastic adherents to the present day. From this sad picture of human institutions let us turn to the Government of the United States.

OF THE GOVERNMENT OF THE UNITED STATES.

The United States of North America is one of the most powerful, commercial, and wealthy nations of the globe; is distinguished for the freedom and excellence of its political institutions. Unlike the institutions of the old world, it has no hereditary monarch, no hereditary nobility, no privileged class, no state church, yet religious instruction and observances are as faithfuily dispensed and

performed as in any country in the world. All the fictions, traditions, and machinery of the Old World governments have been cast aside, and a government established on the principle that "all men are created equal; that they are endowed by the Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." "To secure these," it is declared, "governments are instituted among men;" but it may be here observed, that the United States Government was the first government, that ever was instituted for such a purpose, or ever professed to be instituted for such a purpose.

The establishment of the Government on these principles, was a bold departure from every form of civilization that had ever existed; yet the result of nearly one hundred years of the greatest progress in population and wealth that ever was known, has proved the wisdom of its founders, has established a nation blessed above all others, has afforded to the oppressed of all nations a safe asylum from political persecution, and has given profitable employment to millions of the in-

dustrial poor, who, being crowded out by the over-population of some of the European nations, have sought a home on our hospitable shores, where they are received without question — aided, if in need — free lands are at their disposal, if they desire to settle upon them, free schools for their children; and, after five-years residence, they become free citizens, if they have renounced their former allegiance and declared their intention to become citizens of the United States; they are then entitled to all the privileges, and assume all the duties, the same as native citizens; are eligible to be elected to any office of the government, except those of President and Vice-President, and are, as American citizens, wherever they may wander, entitled to all the protection which the Government of the United States can extend.

It is remarkable, indeed, few things in all history seem to be more striking than the power of the institutions of the United States, to assimilate different and discordant nationalities. Every year, several hundred thousand immigrants arrive, from different countries,

accustomed to different forms of government, often ignorant and bigoted, yet the institutions of our country, absorb and assimilate all as integral parts of our polity. In no other political system could this be done; such additions could not be allowed; and herein is presented one of the grandest and wholly unimpeachable evidences of the superiority of our institutions.

Such is the Government of the United States, under which we live. All its powers are derived from the consent of the governed. Its duration and prosperity must depend on the virtue of its citizens. To aid in the cultivation of a knowledge of the duties of citizens, to encourage patriotism by inculcating virtue, and a faithful performance of the civil duties, is the object of the present work.

DIVISION OF POWERS.

The division and limitation of the powers of government, have been most happily provided for by the Constitution of the United States. The political powers are: those of framing or altering the Constitution, of elect-

ing President, Vice-President, and Members of Congress. These are retained by the people. The administration of the laws is intrusted to the President and the heads of departments. To the judiciary is committed the administration of justice. The treaty-making power is given to the President, but all treaties require to be confirmed by the Senate. To Congress belongs the power to frame laws, to regulate commerce, to coin money, and regulate the value thereof, and fix the standard of weights and measures. The peace and protection of the country devolves upon the army and navy, under the direction of the President, who is Commander-in-chief; but these can only be called into action when the civil powers are insufficient—the military is always subordinate to the civil power. By these wise provisions the powers of the Government are so distributed that no individual is trusted with so much power as to become dangerous to the commonwealth; each power is a check upon the other, but each is secure in the exercise of the particular business assigned to it, from

encroachments of all. So skillfully are all the parts of the Government contrived, that it only requires moderate capacity and zeal, with ordinary integrity, for any of its citizens to fill with tolerable efficiency the various offices of the Government.

TO KNOW THE CONSTITUTION OF THE UNITED STATES IS THE DUTY OF EVERY CITIZEN.

In order to properly discharge the duties of a citizen, it behooves every one to be acquainted with the constitution, or fundamental law of the country in which he lives. This information is easy to be obtained in the United States, because it has a written constitution—an advantage which no other country possesses. Although some partial and imperfect attempts have been made by European governments to supply this deficiency, yet no written fundamental law exists at this day. In the Constitution of the United States provision is made how it may be amended to meet the wants of the progressive development of the country and people.

By this wise provision, even the fundamental law may be changed without occasioning turbulence or violence. Whatever the varying circumstances of the age, the laws may be adapted to meet any exigency; and yet they are guarded by sufficient checks to prevent hasty legislation; and the amendments, made in accordance with the provisions of the Constitution, become of the same binding authority as if they had formed a part of the original instrument.

To appreciate the value of a written constitution, it is only necessary to view the chaos that exists in the organic laws of European nations, which are well described by Paley, as follows:

"Most of those who treat of the British constitution consider it as a scheme of government formerly planned and contrived by our ancestors in some certain era of our national history, and as set up in pursuance of such regular plan and design. Something of this sort is secretly supposed or referred to in the expressions of those who speak of the 'principles of the constitution,' of bring-

ing back the constitution to its 'first principles,' of restoring it to its 'original purity' or 'primitive model.' Now, this appears to me an erroneous conception of the subject. No such plan was ever formed; consequently no such first principles, original model, or standard, exist. I mean, there never was a date or point of time in our history when the government of England was to be set up anew, and when it was referred to a single person, or assembly, or committee, to frame a charter for the future government of the country, or when a constitution so prepared and digested was by common consent received and established. In the time of the civil wars, or rather between the death of Charles the First and the restoration of his son, many such projects were published, but none were carried into execution. The Great Charter and the Bill of Rights were wise and strenuous efforts to obtain security against certain abuses of regal power, by which the subject had been formerly aggrieved. But these were, either of them, much too partial modifications of the constitution to give it a

new original. The constitution of England, like that of most other countries of Europe, hath grown out of occasion and emergency, from the fluctuating policy of different ages; from the contentions, successes, interests, and opportunities of different orders and parties of men in the community. It resembles one of those old mansions which, instead of being built at once after a regular plan, and according to the rules of architecture at present established, has been reared in different ages of the art, has been altered from time to time, and has been continually receiving additions and repairs suited to the taste, fortune, or convenience of its successive proprietors. In such a building we look in vain for the elegance and proportion, for the just order and correspondence of parts, which we expect in a modern edifice." How beautiful an edifice is the Constitution of the United States, compared with the confused, baseless structures of European governments! What a glorious monument to the wisdom of its founders, and with what veneration and re-

spect should it be cherished in the hearts of the people!

The framing of a constitution is the most important act that a people can perform. It is important because it is the guide of those to whom the administration of the government is intrusted, and consequently affects favorably or unfavorably the interests of every citizen. The Constitution is the supreme law of the land; has been ratified by the people; receives from the people its binding force. It is not a compact of state governments, but a compact of the people of the several States. All the ratifications commence with, "*We, the delegates of the people thereof*," and terminate by making the ratifications in the name of their constituents, *the people*. It is with the people that sovereignty rests, whether state or national, and it is upon them that the Constitution acts *directly* and personally.

DUTY OF OBEDIENCE TO LAW.

Free government, which derives its power from the people, has a righteous claim to

obedience, because it brings to all real liberty, and gives a consciousness of freedom, such as is felt under no other system. It inspires self-respect, and teaches the respect due to others. It cultivates civil dignity, a dependence on law, and a habit of liberty, as well as a law-abiding acknowledgment of authority. Obedience is one of the elements of all society, and upon this rests the security of the state. Without it, political society can not hold together. Yet there exists a great distinction between the obedience demanded on the sole ground of authority, such as is claimed by a Usurper and Tyrant, and that obedience, which the necessities of society require, and which every good citizen of a free country, deems it a privilege to render to laws legitimately prescribed by the lawful authority of that community, of which he forms a constituent member. To conform to institutions of national self-government has nothing galling on the ground of submission. We do not obey a person, whom we know as an individual to be no more than ourselves, but we obey the institution of

which we know ourselves to be as much an integral part, as he who is clothed with authority.

Obedience to law is the best security of our life, property, liberty, and happiness. The law-breaker is an enemy to society, and justly deserves the scorn and reprobation of all good men. Obedience to the letter of the law is not always the fulfillment of duty; the spirit of the law may be evaded by trickery and cunning, and the vile may gain some temporary advantage, but the conscientious discharge of duty will command respect, and be most conducive to happiness. To make, acknowledge, and obey the laws, is the happy lot of those born in this free country, and these are the highest prerogatives and privileges that man, politically, can aspire to.

CIVIL DUTIES AND RIGHTS RECIPROCAL.

The duties of citizens necessarily grow out of and are concurrent with the rights we claim as members of a civilized community; without the proper discharge of duties, it

would be impossible for all to enjoy the rights which the constitution of society guarantees to each of its members. These rights are secured by law—that is, either by the unwritten law, which is founded upon usage, the decision of courts, and a common apprehension of justice, sanctioned by the experience of ages, or by the written statutes which form the municipal code—and, in order that all may enjoy these rights, it is necessary that we live virtuously, injure no one, and render to every man his due; for only by this course can each be secured in those rights and privileges which belong to all. Therefore, we have a double motive for the performance of our duties: first, because the universal performance of these duties would be an additional security for the enjoyment of our own rights, and, secondly, the avoidance of those punishments and penalties which the law prescribes for neglect and violation of that which is enjoined. Hence it follows that to whatever nationality we belong, whether by nativity or by adoption, it is our duty to obey the law, which is

the only guaranty of our life, liberty, and property. We have a still further duty incumbent upon us—the interest of the whole society is binding upon every part of it—and it therefore becomes our duty as citizens to endeavor to avert danger whencesoever it may threaten, and to maintain the honor and independence of our country at whatever sacrifice. It has been the custom of writers to point out the rights of citizens, but it is of much higher importance that the duties should be well understood and duly performed; for every violation of duty infringes upon the rights of some one, and tends to place the rights of all in jeopardy. To fulfill the obligations of the law is essential to security, without which, there can be no liberty.

Where men, of whatsoever condition—rulers or ruled—lay claim to rights, without acknowledging corresponding and parallel obligations, the very idea of right vanishes, and mutuality, the ground of all right, sinks from under it. But since a greater degree of civil liberty implies the enjoyment of more ex-

tended rights, the duties of every man increases with his liberty. Whatever liberty is claimed or exercised, without acknowledging the corresponding obligation, is but licentiousness; and it is a fundamental law of political ethics, that the less we are restrained from without the more should we bind ourselves from within—that is, by reason and conscience.

CIVIL LIBERTY.

CIVIL LIBERTY is to be restrained only by such laws as are conducive in a greater degree to the public advantage. To do what we will is natural liberty; to do what we will, consistent with the interests of others, is civil liberty; and this is the only liberty to be desired in a state of civil society. The liberty of nature exists only in a state of solitude; but the restraints and checks of conflicting interests, in the intercourse of our species, would be a greater restraint than the restraint of equal laws. Without laws, the stronger would have the advantage, the weak would be oppressed. The laws of a

free people impose no restraints which do not conduce in a greater degree to the public happiness. Therefore all laws which violate this principle should be abrogated as useless or noxious. A citizen of the freest government may be imprisoned for his crimes, but his confinement is the effect of a beneficial law. To restrain the vicious is to give security to society, and is, therefore, of advantage to the whole community, for without security no one can be free. It is the duty of the legislature, by wise laws, to prescribe what amount of restraint is necessary to security, and to be guarded not to exceed the proper measure. The expression of the public sentiment by a free press will furnish essential aid, when it represents a sound public opinion. By law we are protected in the peaceable enjoyment of life and property, in the preservation of our health and reputation, as well as person. Life is the gift of God, and no man has a right to take away his own life; nor may he destroy that of another. Property may be acquired in the modes prescribed by law, which are founded in justice,

and every man may use and occupy it in such manner as he thinks fit—provided he injures nobody else—and he may convey and dispose of it as he pleases, in conformity with certain regulations prescribed by law. The preservation of health is essential to the enjoyment of life, and therefore the legislature has made salutary laws to prevent the introduction and spread of contagious diseases. A man's reputation and good name are secured from slander: a good character is the source of some of our highest enjoyments, and the preservation of it from the blast of envy and the tongue of malice is one of the most valuable benefits we derive from society. The person is protected from all menaces and assaults, for all such acts are punishable. Thus, then, are many compensations for the few natural rights surrendered, and man as a social being receives many enjoyments which are attainable only in a well-regulated social community.

RELATIVE DUTIES—MARRIAGE.

Besides the duties to society, we have collateral duties in our domestic relations. By marriage, husband and wife become one person, in law. Marriage is a civil contract, which only those can enter into who have arrived at the age of consent. The ceremony of marriage is prescribed by statutes in the several States. Prior marriage, when the husband or wife is still living, disables persons from making this contract; if they attempt it, the marriage will be void, and the party will be liable to severe punishment. The marriage between near relatives is unlawful, as leading to a confusion of rights and duties. The laws of the several States prescribe the degree of consanguinity which prohibit marriage. Idiots and lunatics are disqualified from entering into the marriage contract. Lawful marriage can be dissolved only by the death of one of the parties or divorce. The husband is bound to provide for his wife the necessaries suitable to her situation and his condition in life, and he is liable for any

debts she may contract for such necessaries; but, for any thing beyond necessaries, he is not chargeable. The husband and wife can not be witnesses for or against each other, but, when the wife acts as her husband's agent, her declarations may be admitted to charge her husband. There are many other obligations arising out of the marriage contract, but as these are provided for in state laws, and are not always uniform in the several States, the statutes themselves will have to be consulted—the limits of this epitome allows us only room to point whence our obligations arise.

DUTIES OF PARENTS.

Parents are the natural guardians of their children, and in this, as in every case where natural laws are conducive to the interests of society, civil laws are framed in accordance with them. The duties arising out of this relation consist in maintaining and educating them during infancy. Infancy, in law, includes the minority of the child, which extends to

the age of twenty-one years. The legal obligation of a father to maintain his child ceases as soon as the child is of age. A father is not bound by the contract of his son, even for articles suitable and necessary, unless an actual authority be proved, or the circumstances be sufficient to imply one; or unless a clear omission of duty on the part of the father renders assistance to the child necessary. A father has a right to the services of his children, and he may sue any other person for the value of their labor or services rendered to such person. A father is also entitled to the custody of the persons of his children, and, when improperly detained, may obtain such custody by writ of *habeas corpus*. Parents have a right to exercise all necessary discipline for the discharge of their duty, but courts of justice may, when the morals, safety, or interests of the children require it, withdraw infants from the custody of their parents and place them elsewhere; for the morals and education of children are necessarily matters of great concern to the welfare of society. The wayward child, who has never been taught

restraint, when he arrives at manhood is apt to disregard the restraints of civil society; and habits once formed of disregarding law often lead to crime, and those who, otherwise, might be useful members of a community, become malignant pests — endanger the security of civil life, which is essential to the value of every blessing it contains. The relation of guardian and ward is nearly the same as that of parent and child. A father may dispose of the custody of his child during his minority, or, for a less time, may apprentice him to another person; or may, by will, appoint some person as guardian, who, if he accepts, becomes the guardian, and the infant is called the ward. A guardian who has charge of a minor's property, as well as of his person, is required to keep safely such property, and may be required to give security to deliver the same to his ward when he arrives at full age. Guardians are appointed in several ways, according to the circumstances of the case; the duties are prescribed by statute.

DUTIES OF CHILDREN.

The first duty of children is obedience, and the parent is by law clothed with authority to exercise such discipline as is necessary to enforce it—provided it is not cruel and unnecessarily severe. But that child must be very perverse who will not, when it has arrived at the age of reason, yield obedience to affectionate parents, to whom he owes so much; but much of the perverseness of children is owing to want of discipline, and much of the anxieties of parents is occasioned by their own early neglect. Children may inherit property from their parents, but a parent may, by will, disinherit ungrateful children; therefore children have many motives for obedience, as affection, gratitude, and self-interest. It is also the duty of children, when able, to support and assist parents when old and impotent and they can not maintain themselves. Minors can not lawfully make contracts, and can not be compelled to pay debts, unless, after they become of age, they promise to pay. The benevolence of the law is obvious,

being intended to protect young persons, before they have gained experience, from being imposed upon; but, when no imposition has been practiced, the moral obligation remains, and the sense of having violated a moral obligation will be a sad reflection in after-life. An act of turpitude committed at the commencement of a career may lay a stain upon the character which may prove an irreparable damage to the reputation, creating distrust, and presenting an almost insurmountable impediment to honorable distinction.

DUTY TO FULFILL CONTRACTS.

The duty to fulfill contracts can not be too strongly impressed upon the mind, for on this depends that mutual confidence so necessary to commercial and social intercourse. In the multifarious transactions in trade, particularly between persons remotely situated, it would be impossible to conduct operations of great magnitude, and only those who have established a reputation for integrity can hope to

share the advantage which these afford. A character for integrity often supplies the place of capital, and coöperation founded on well-assured confidence is productive of the most successful and satisfactory results. In entering into a contract, the moral obligation of every one is to conceal no fault where the other party has not the means of knowing; for if there be an intentional concealment or suppression of a material fact, the contract is void, for inasmuch as all contracts are based on good faith, they are viciated by fraud. Our sense of justice, combined with that of integrity, will suggest our moral duty, and our very selfishness will, when aided by reflection, teach us that "Honesty is the best policy."

PRINCIPAL AND AGENT.

Agency is founded upon a contract, expressed or implied, by which one party intrusts to the other the management of some business, and by which the other assumes to do the business and to render an account.

The acts of the agent will bind the principal so long as he keeps within the scope of his authority; but an agent, constituted as such for a particular purpose, and under a limited power, can not bind his principal—if he exceed that power. The agent, to excuse himself from liability, must disclose his principal at the time of making his contract. The essential obligation of every trust is the exercise of integrity, which has been fully explained in the first section on moral duties; without this, it matters not what the form of government—it matters not what laws are made as rules of society—it is upon integrity that the whole fabric of civil society is raised. Whoever violates this moral principle is an enemy to himself, to all those with whom he may have business or social relation—an enemy to civil society—and deserves the reprobation of mankind.

DUTY OF RELIEVING THE POOR.

When we view a world filled with plenteousness sufficient for the sustenance of all

God's creatures, the justice, that such a distribution should be made as will prevent actual want, will become evident; for although the constitution of civil society requires men to give up a part of their natural rights, it never could be contemplated that any one with ordinary prudence and industry should be deprived of the means of living. Yet, however well organized society may be, there will always be some who, by unforeseen circumstances beyond their control, will need the help of their fellow-men, and this circumstance will show how all the exigencies of our nature are provided for. The feeling of compassion is placed within us, which urges us to make good the deficiencies arising from the imperfection of human laws. No fixed laws for the regulation of property can be so contrived as to provide for the relief of every case of distress and want which may happen, and, therefore, voluntary bounty is a duty incumbent upon those who become acquainted with the exigencies of the particular situation and whom Providence has blessed with the means to afford assistance. That

man who acquires wealth, but thinks only of himself, and, suppressing his feelings of compassion and benevolence, is indifferent to the distress of others, whose name is never found enrolled among the contributors to benevolent institutions of the country, will deprive himself of many of those gratifying reflections which ever accompany and follow the exercise of generosity, and will leave a name of little honor.

SOME GENERAL REMARKS.

Under all former governments as hitherto known, a citizen who observed a proper obedience to law, discharged with exemplary fidelity the duties incumbent on domestic relations, faithfully fulfilled all his contracts and discharged his trusts with integrity, exercised prudence in his intercourse with men, and practiced benevolence according to his means, had fulfilled the duties of citizen as far as could be reasonably expected of him. But under a free government, where the citizen becomes a sovereign, instead of a subject, his

increased privileges bring with them new duties which—I know not whether to call them *civil* or *political*—no matter about the name—but that there are duties of a high character not included in those enumerated, it is quite clear, and it is necessary that they should find a place among the duties of citizens.

POLITICAL DUTIES.

Among the duties arising out of our political status many have been omitted by political writers. The very novelty of our form of government may be a reason, that these questions have not yet received that philosophical consideration which their importance demand. A government founded upon the will of the people is an extraordinary phenomenon; in fact, the history of the world gives us no parallel; yet the wisdom of the founders of the Government of the United States have so wisely framed the Constitution as to give checks and safeguards to liberty and order, to subdue the selfishness and ambition which belong to each individual citizen, to harmo-

nize the many conflicting interests, and make their very antagonism conducive to order and promote the common good. They have raised up an edifice which has withstood for nearly a century the shocks of the political antagonism of the world, as well as the discordant elements within its own border—an edifice which seems to gather strength with time, and dignity from the enormous progress which it has fostered. Who shall despair of its durability, if the spread of knowledge, virtue, and patriotism, keep pace with its material progress? But what the wise have built up, it is easy for folly to pull down! The muliplicity of offices create a class who shun labor, and when the emoluments of office exceed the rewards of ordinary industrial pursuits, corruption to obtain them ensues; and as the leaven leavens the mass, so corruption corrupts the whole body politic. This is the great danger of popular government. The only salvation from so great a calamity as the ruin of the government, is the virtuous education of the citizens, and a faithful discharge of the political duties.

DUTY OF ACQUIRING POLITICAL KNOWLEDGE.

However it may be deemed expedient in monarchical governments to suppress political discussion and to discourage the acquirement of general political knowledge, it is widely different with the citizens of a republic. To them is intrusted the important duty of electing the executive, the legislative, and judicial officers. On their judgment depends whether capable or incapable persons shall be elected to carry on the government, and therefore a sound public opinion is of the highest importance. Indeed, it is astonishing how extraordinarily great is the influence of public opinion even in monarchies where the monarch is thought to be absolute. Las Cases says that Napoleon, speaking of public opinion, said: "Public opinion is an invisible, mysterious power which nothing can resist; nothing is more powerful, more vague, or more changeable; yet, capricious as it is, it is nevertheless, more frequently than one is apt to think, true, just, and reasonable."

It has often been said of the sound second

thought of the people, that it is a safe basis for political action, and those statesmen who have been most distinguished for success, have been remarkable for the peculiar characteristic of prudently waiting the expression of public opinion, before taking action in measures which seem to create great concern among the people; and it is a great trait of a distinguished statesman to be able to see one layer of public opinion through another. Public opinion may be said to be the sovereign power of society in all free governments.

It is in the formation of this public opinion that political ethics come into play. They give moral vigor to political existence, and, by teaching that duties are the necessary concomitants of rights, some may be impressed with the sacredness of their political relations, and, while their hearts are inspired with a genuine love of freedom, their lives may be a practical and conscientious effort to maintain it. Political apathy is dangerous to every free people, for "perpetual watchfulness is the price of liberty."

DUTY OF A CITIZEN TO KNOW THE HISTORY OF HIS COUNTRY.

There is an absolute duty of every citizen to make himself acquainted with the history of his country, and familiarize himself with the different questions that have occupied the public mind and determined its policy. Institutions do not spring up in a day, and the essence of government does not always appear at the first glance; but from the history of a country we learn its institutions, how they have arisen, how they have operated, and what is their tendency. Whether they work for good or evil, we can not tell, without knowing the causes from which they spring, and the mode in which they have operated. Firm patriotism is impossible, without an acquaintance with our institutions, to enable us to judge what is good in it, or to discover what requires amendment. It is important for the citizen to know the history of every great struggle which has divided public opinion—to know who took an active part, who distinguished themselves and de-

serve to be honored. Without being informed of the important events that have occurred, we neglect the true fruits of civilization, and disregard one of the most solemn duties of man as a social being. And not only do we require to be informed of what has passed, but it is our duty to pay attention to the present, to notice the occurrences of daily life. The noblest and worst things may happen, but we should know the reality of whatever occurs. If we do not store up events gradually as they happen, and endeavor to keep up with facts in the political world, we shall be ill qualified to fulfill the duties of citizens. Events often take a different coloring after they have transpired, and the truth is rarely known. It is only by being well informed of past and present that the citizen knows his obligations and rights; and it is only by a knowledge of these that he is able to discharge his duties.

DUTY OF VOTING.

The vote of the people is the only means of ascertaining the general will of the people.

Whenever a number of men must come to a final conclusion, voting must be resorted to, if there is not unanimity among them. By a national vote, public opinion passes into public will. The more civil liberty becomes diffused, the more important becomes the trust confided to citizens, and the more imperative the faithful discharge of the duty of voting. To vote is a public duty. Indolence and political apathy are blamable, and indicate a want of public spirit, and an indifference to the public welfare. The best security against faction and intrigue, and many calamitous disorders, is for every one who is entitled to vote to exercise his privilege at primary elections. Those whose voting is least desirable are the surest to be at the polls; but as the best interests of the country depend on a sound public opinion, the worthiest citizens should see to it that this is expressed by the results of the ballot box. It is a moral, as well as civil duty, that ought to be obligatory on every citizen. There is no great principle that has not its inconvenience, but we are not, on that account, absolved from conscientiously

acting our part. It is our business to honestly join in the great duties of the day, to fulfill our part as conscientious citizens; and, to do this, we must go to the poll. The election to office of competent, worthy, and fit persons, is highly requisite, for to these we intrust the management of our affairs. Yet it is, unfortunately, but too frequently the case that citizens are swayed by totally different considerations.

The appointment of incapable officers, on account of considerations wholly foreign to the office, be it family interest, party reward, or clannishness, is ever detrimental to both state and people. It lowers the standard of capacity and activity, subverts the standard of morality in the public service, and corrupts the morals of the community at large. All popular representation rests essentially upon election; every thing which interferes with election, either by demoralization of the voters, or falsifying the returns by whatever means, is a grave offense against public liberty. In a republic, where the whole government rests on representa-

tion, the sovereign power being in the people, we can not but consider every such offense as a crime against the majesty of the people. As it is treason in monarchies to falsify acts of the prince, so, in a republic, it is treason to falsify votes, or to falsify returns—it is a hostile act against the fundamental principle of the body politic. The duty of voting for officers to fill the vacant situations in the Government is a sacred trust, and should not be exercised merely to serve a friend, but to elect fit and faithful officers. Whoever votes for corrupt or incompetent magistrates, legislators, or senators, votes away his own rights, his own liberty, his own security, as well as the rights, liberty, and security of his fellow-citizens.

The many conspiracies to obtain control of elections, and thereby obtain personal advantage, is one of the evils which threaten the stability of a free government; votes are bartered, citizens are blindly led to believe that particular interests of party have a higher claim than the general interests of the country.

Practically, the mode of conducting primary meetings seems to have a very destructive tendency; the corrupt manner in which tickets are prepared is a usurpation of the choice of the people, and thousands vote tickets without knowing the person or character of those for whom they vote; but it is hoped that time and further experience will suggest a remedy for an evil so flagrant and pernicious. The privilege of having a voice in the election of officers and functionaries of the Government is one of great responsibility; for it is on the proper exercise of this privilege that stability of the Government depends; and it should be an earnest desire of every citizen to faithfully discharge this duty.

THE DUTY OF ENACTING GOOD LAWS.

Good laws are the best legacy which one generation can leave to another: and in all free governments the voice of the people originate the laws; the legislatures merely give expression and form to them. The ne-

cessity of good school laws must be evident to every one. Without general morality—that is, good customs—there can be no sound commonwealth; nor can there be general, without private, morality. Virtuous dispositions, and morality in all its manifestations, are of essential importance to the well-being of the State; and at the same time, they are a natural complement of all laws, supplying whatever of deficiency may arise from defect of language or the imperfection of human enactments. That community in which injustice and bad faith is habitual can not possibly support civil liberty; for while justice is the support of the State, injustice will inevitably lead to its ruin. Justice demands that we should not only see and judge matters from our point of view, but also from that of others—perhaps of our adversaries—or even our enemies; hence, as far as practicable, justice should be at the bottom of all laws; it is the foundation of character, the basis of power, the ægis of liberty, the sole support of self-respect, and the great secret in the art

of ruling, as well for republics as any other form of government.

CONSTITUTION OF THE UNITED STATES OF PROGRESSIVE GROWTH.

It is not to be supposed, that the formation of the Constitution of the United States was the result of a single effort; like all human achievements that are of any value, it was the work of repeated trials.

As early as 1643, the territories comprising a part of what is now the United States formed associations for the purpose of common protection and general welfare. A confederacy was formed, called the "United Colonies of New England," comprised of Massachusetts, Plymouth, Connecticut, and New Haven. This was a league offensive and defensive, which they declared should be perpetual, and it was expressly declared to be a league. The chief points of this confederation were: 1st. That each colony should have *peculiar jurisdiction and government within its own limits.* 2d. That the quotas of men

and money were to be furnished in *proportion to the population*, for which purpose a census was to be taken from time to time of such as were able to bear arms. 3d. That to manage such matters as concerned the whole confederation, a congress of two commissioners from each colony should meet annually, with power to weigh and determine affairs of war and peace, leagues, aids, charges, and whatever else were proper concomitants of a confederation offensive and defensive; and that, to determine any question, three-fourths of these commissioners must agree, or the matter to be referred to the general courts. 4th. That these commissioners may choose a president, but that such president has no power over the business or the proceedings. 5th. That neither of the colonies should engage in any war without consent of the general commissioners. 6th. That if any of the confederates should break any of these articles, or otherwise injure any of the other confederates, then such breach should be considered and ordered by the commissioners of the other colonies. This confederacy sub-

sisted for forty years, under a regular form of government, in which the principle of delegated congress was a prominent feature.

In 1754 a Congress of commissioners, representing New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania and Maryland, was held at Albany, New York. The convention unanimously resolved that a union of the colonies was absolutely necessary for their preservation. They proposed a general plan of federal government, which, however, was not adopted. The Crown refused assent. But these proceedings serve to show the progress the colonists were making in their ideas of government. This did not purport to be a league or confederation, but *a plan* for one general government. Its principal provisions were: 1st. That the general government should be administered by a President-general appointed by the Crown, and a grand council chosen by the representatives of the people in their general assemblies. 2d. That the council should be chosen every three years, and shall meet once in each

year. 3d. That the assent of the President be necessary to all acts of the Council, and that it is his duty to see them executed. 4th. That the President and Council may hold treaties, make peace, and declare war, with the several Indian tribes. 5th. That for these purposes they have power to levy and collect such duties, imposts, and taxes, as to them shall seem just. This was a much nearer approach to an organized government than the confederacy of 1643. It provided for a strong executive, but made no provision for a general judiciary.

In 1765 a Congress was delegated from nine States, assembled at New York, and adjusted a bill of rights on the subject of taxation.

In 1774 an Association of twelve States was formed, and delegates authorized to meet and consult for the common welfare. The breach with the British Government was now imminent; powers of a general nature were executed, without question or hinderance, by a Congress of deputies from the several States. Patriotism and a common danger absorbed

all other considerations, and made ordinary ties unnecessary.

In 1775 the first Congress—of thirteen States—assembled at Philadelphia, and, in July, 1776, issued the Declaration of Independence.

In 1777, Congress agreed upon the celebrated Articles of Confederation, under which the United States successfully terminated the Revolution. This was the first formation of a general government of all the States, and continued until 1788.

SYNOPSIS OF THE ARTICLES OF CONFEDERATION.

1st. That the style of the Confederacy shall be the "United States of America."

2d. That each State should retain its sovereignty, independence, and such rights as were not delegated to the general Congress.

3d. That the object of the league was the general welfare and the common defense against foreign aggression.

4th. That the citizens of one State should

have the privileges of citizens in another, and that full faith and credit shall be given to the records, acts, and judicial proceedings in another State.

5th. That, for the management of the general interests, delegates shall be annually appointed to meet in Congress, each State having not less than two, nor more than seven; and that, in determining questions in Congress, each State shall have one vote.

6th. That no State, without the consent of Congress, enter into any treaty of alliance with any foreign power or nation, or with any other State; nor lay any imposts or duties interfering with any stipulations contained in any treaty made by Congress; nor keep any vessels of war or armed forces in time of peace, except such as Congress may deem necessary; nor engage in any war without the consent of Congress, unless the State be actually invaded, or the danger imminent; nor grant letters of marque, unless such State be infested with pirates.

7th. All charges for the general welfare shall be paid out of a common treasury,

which shall be levied in proportion to the value of land within each State.

8th. The "United States in Congress assembled" shall have the exclusive right of making peace and war, entering into treaties and alliances; granting letters of marque, and establishing courts and rules for the trial of piracies and felonies, and determining questions in relation to captures; and that the Congress have the power to determine all questions and differences between two or more States, concerning any cause whatever; which authority shall be exercised by instituting a court in manner and form as provided, where judgment shall be final and decisive; and that they have power to fix the standard of weights and measures and coin, establish post-offices, and commission officers; that they shall have power to appoint a committee of the States, and such other civil officers as may be necessary to manage the general affairs of the United States, under their direction; to elect their President; to fix the sums of money to be raised; to borrow money and emit bills of credit; to agree on the number

of forces to be raised, which are to be distributed among the States in proportion to the white inhabitants; that the United States shall not exercise these powers unless nine States assent to the same; nor shall any question, except that of adjournment, be determined, unless by the votes of a majority of the States.

9th. It is further provided, that the committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, or any nine of them, shall think proper to vest them with.

10th. All debts contracted under the authority of Congress shall be deemed and considered as a charge against the United States, for which the public faith is pledged.

11th. That every State shall abide the determinations of Congress upon the questions submitted to it, and the Union shall be perpetual.

These articles had inherent defects and obvious and palpable deficiencies as a government. There was no executive, though, in

form; nearly all its powers were granted to Congress and the "Committee of the States." No general judiciary was provided, and, to raise men and money, it was necessary to act through the medium of many States—the Articles of Confederation did not act upon individuals. These deficiencies rendered these articles wholly insufficient for a general government, and a change became necessary.

During the Revolution, the pressure of instant and common dangers kept the States in close union, and incited each to make all possible efforts in the common defense. When that was over, however, mutual jealousies and separate interests weakened the common bonds, and soon proved the utter insufficiency of a mere confederacy for the purpose of national government. General Washington, in June, 1773, addressed a letter to the governors of the several States, in which he says: "There are four things which I humbly conceive are essential to the well-being—I may even say the existence—of the United States as an independent power: 1st. An indissoluble union of the States un-

der one federal head. 2d. A sacred regard to public justice. 3d. The adoption of a proper peace establishment. 4th. The prevalence of that pacific and friendly disposition among the people of the United States, which shall induce them to forget their local politics and prejudices." He remarked, under the first head: "It is only in our united character that we are known as an empire, that our independence is acknowledged, that our power can be regarded, or our credit be supported, among foreign nations. The treaties of European powers with the United States of America will have no validity, on a dissolution of the Union. We may find, by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny, and that arbitary power is most easily established on the ruins of liberty abased to licentiousness."

In 1786 the Legislature of Virginia recommended a meeting of commissioners from the several States to review the powers of government. The delegates of five States

met at Annapolis, but adjourned, proposing a general convention at Philadelphia. In 1787 the convention of delegates from twelve States was convened, and, after much deliberation, formed the present Constitution of the United States. By resolution of the convention, it was directed to be carried into effect when ratified by the conventions of nine States chosen by "the people thereof." That ratification, after much opposition, scrutinizing discussion, and the adoption of several amendments, it finally received, and all the States finally assenting to its provisions became members of the Union. In 1789 it went into practical operation, and from that period to this—more than eighty years—has withstood unharmed the various violent influences of local feuds, opposing interests, domestic insurrection, and foreign violence.

Thus it will be seen that the finished work, although of progressive growth, presents the most perfect work that ever was accomplished by human intellect. Numerous amendments have been made, in the manner prescribed by the instrument itself,

but, in all of these, there is one predominant fact manifested: that they all tend to an increased and further-extended liberty.

The Constitution, after its formation, was addressed to the President of Congress, accompanied by a letter from General Washington, President of the Convention, from which the following are extracts: "*It is obviously impracticable, in the federal government of these States, to secure all the rights of independent sovereignty to each and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests. In all our deliberations on this subject we kept steadily in view that which appeared to us the greatest interest of every true*

American—the consolidation of the Union, in which is involved our prosperity, felicity, and safety—perhaps our national existence. This important consideration, deeply impressed upon our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."

The Constitution being framed and transmitted to Congress, it now remained to put it in action; to do this, it was first necessary that it should be ratified by the people. The mode of doing this had been provided by the convention. They had resolved that, as soon as the convention of nine States should have ratified the Constitution, Congress should fix the day on which electors should be appointed, and a day on which the electors should assemble to vote for President, and the time and place of commencing proceedings under the Constitution; after the President was elected, he and Congress should,

without delay, proceed to execute the Constitution. Accordingly, after the ratification of a sufficient number of States, in July, 1788, it was ordered that the several ratifications of the Constitution of the United States be referred to a committee, to examine and report an act for putting said Constitution into operation. The committee was appointed, and the following resolution was passed: "*Resolved*, That the first Wednesday in January next be the day for appointing the electors in the several States which, before said day, shall have ratified the Constitution; that the first day of February next be the day for the electors to assemble in their respective States and vote for President; and that the first Wednesday in March next be the time, and the present seat of Congress be the place, for commencing proceedings under the Constitution." In pursuance of this resolution, on Wednesday, the 4th day of March, 1789, *the Constitution went into practical operation.*

And now the great work was achieved which had so anxiously occupied the minds

of the active and progressive men of those days from 1643 to 1789—and after the lapse of almost another century, now spreads its protecting wings over more than forty millions of free citizens, who feel not the weight of its influence except in the blessings it bestows.

It is evident that the consolidation of the States into a great nationality was the great end, to which all other objects were of "inferior magnitude," and to effect this it was necessary that it should be the act of the people, and not of the States, as the preamble sets forth: "We, the people of the United States, in order to form a more intimate union," establish this Constitution for the United States of America. Yet the free action of the States is not impaired; their political importance is enlarged, rather than decreased, and a whole continent is thrown open to the enterprise of the citizens of all the States, without let or hinderance; no custom-houses to fetter her trade between State and State; no standing armies to menace the borders of the several States; no passports; conscriptions hardly known; free to go, and

free to return, at will, with more security than is offered by any other form of government. How different in the Old World, where every petty principality is guarded by soldiers, custom-house officers on every frontier, conscriptions dragging from their homes young men, the hope and support of aged parents, to be engaged in frequent and fruitless wars; to see proud hearts, because of humble birth, endure the contumely and pride of caste—committed to drudgery, with small reward and little hope of bettering their condition; where the social car runs in the same ruts for centuries, and labor hath no honor; where pride of birth claims all reverence, arrogating all merit, while ignoring every obligation! Proud, indeed, ought the citizen to be where equality of birth is admitted, and where it requires only to be equal in virtue, equal in the discharge of duty, equal in the cultivation of his talents, to be eligible to the highest position.

As intimidated in General Washington's letter to the President of Congress, at the time of transmitting the Constitution as it

came from the hands of the convention, it was impracticable to secure all the rights of independent sovereignty to each of the States and yet provide for the interest and safety of all. There still remained some questions which had been temporarily yielded. But at the first session of Congress, held in New York, 1789, the Senate and House of Representatives, two-thirds concurring, recommended to the States the adoption of twelve amendments to the Constitution. Ten of these amendments were adopted by three-fourths of the legislatures of the States, and became a part of the constitution on the 15th of December, 1791. The Eleventh Amendment was proposed at the first session of the Third Congress, was adopted by the constitutional number of States, and declared, in a message from the President of the United States, to have become a law, January 8th, 1798. The Twelfth Amendment, which was proposed at the first session of the Eighth Congress, was adopted by the constitutional number of the States, in 1804, according to

public notice of the Secretary of State, dated, September 25th, 1804.

When the Constitution was adopted, the United States consisted of thirteen States, some of which deferred the ratification, but subsequently gave in their adhesion, but accompanied the ratification with recommendations of amendment, some of which were adopted, as we have already shown. But the elasticity of the Government develops a capacity to extend the number of the States and Territories to indefinite limits, and is capable of holding within its benign embrace an indefinite number of States and unnumbered millions of the human race. The number of the States at this time amounts to thirty-seven, and eleven Territories, each State and each Territory having its own government and its own laws, in all that concerns the internal policy, and each has its proportional representation in the National Government.

New States may be admitted agreeably to the constitutional provision in Sections 3 and 4 of Article IV of that instrument; and to each State is guaranteed a republican form of government, protection against invasion

and, on application of the legislature, or of the Executive (when the legislature can not be convened), against domestic violence.

It is the peculiar province and privilege of the State courts to construe their own statutes, and it is no part of the Supreme Court of the United States to review their decisions or assume jurisdiction over them. The Supreme Court of the United States can only restrict the unconstitutional legislation of the States; for as the Constitution is the supreme law, every violation of it by the States may be ajudicated upon by the Supreme Court. Every State is sovereign in all that affects its own interest, and has a joint and common interest and influence with all the other States in what concerns the national welfare.

When the Constitution of the United States was completed, perhaps without design, a form of government had been devised, which is capable of including the whole human family—imposing no oppressive restraints, and giving liberty to all—each and every part living under its own laws, pursuing its own interest in its own way, without other restriction than is prescribed by justice.

CONSTITUTION OF THE UNITED STATES.

We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Sec. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Sec. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in conse-

quence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year: so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend

further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of congress, shall,

without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass

the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, except on a question of adjournment, shall be presented to the president of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The congress shall have power—

To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the

officers, and the authority of training the militia according to the discipline prescribed by congress:

To exercise exclusive legislation, in all cases whatsoever, over such district, not exceeding ten miles square, as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder, or *ex post facto* law, shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SEC. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of

the congress. No state shall, without the consent of congress, lay any duty of tunnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SEC. 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall

then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.]

The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president: neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation.

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SEC. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint embassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall, from time to time, give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive embassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Sec. 4. The president, vice president, and all civil officers of the United States, shall be removed from office

on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting embassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting embassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact,

with such exceptions, and under such regulations, as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may, by law, have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SEC. 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in

another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New states may be admitted by the congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned, as well as of the congress.

The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SEC 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this con-

stitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the Confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affir-

mation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial

jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules at the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states,

the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice president shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a senator, or representative in congress, or elector of president and vice president, or hold any office, civil or military, under the United States, or under any state, who, having previ-

ously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be held illegal and void.

SEC. 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

SEC. 2. The congress shall have power to enforce this article by appropriate legislation.

OF STATE GOVERNMENTS.

Most of the colonies, especially in New England, had charters, previous to the Revolution, which conceded to them all the rights of self-government, but after the war, when they had achieved their independence from British rule, most of them formed new constitutions, more in accordance with the Constitution of the United States, founded on the representative principle—deriving all their powers from the people, and acknowledging the natural and inherent rights of man as set forth in the Declaration of Independence. The governments thus constituted have no foundation but the consent of the governed, and no sustaining principle but the virtue and capacity of the people to govern themselves. The difference between the National and State Governments is, that one regards national and foreign affairs, while the other has jurisdiction only over internal affairs, and the jurisdiction is limited to the boundary of the State.

The State governments, like the National

Government, have three great departmental divisions, viz.: the Executive, the Legislative, and the Judicial. Its territory is divided into counties, townships, and minor divisions, as incorporated cities, villages, and school districts, each having its necessary organization.

The Governor is the executive officer of the State, and his duties are analogous to those of President of the United States. He has the command of the militia and military array of the State, to see that the laws are faithfully executed, receives reports from the heads of departments, communicates information to the legislature, exercises the pardoning power, and has, in many of the States, a veto on the legislation of the State.

The Legislature is composed of two houses called the Legislature and Senate: These make all laws, and each are governed by the same parliamentary rules, and the process by which laws are passed is the same.

The Judiciary comprises a supreme court, circuit courts, courts of probate, and justices of the peace. The Legislature may also vest

such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties with limited civil and criminal jurisdiction. The judges in most of the States are elected by the people; but judges may be removed from office by address of both houses of the legislature, if two-thirds of all the members elected to each house concur therein—the judge to have copies of the charges against him, and shall have an opportunity of being heard in his defense.

Each of the several departments have their subordinate officers, most of whom are elected by the people, and the ramifications of Government spread themselves to the remotest and smallest district—all self-acting and self-sustaining. Each of the States are represented in the Congress of the United States. The representatives to Congress are elected by the people, and the senators of the United States are chosen by the legislatures of the respective States.

Thus is a government established capable of unlimited extension, yet in the remotest

parts the citizen may find courts for the redress of wrongs and for the protection of his rights—the arm of the law reaches everywhere. But as all power emanates from the people, on their virtue depends the welfare of the state; so, by their vices, may the fair fabric of the Republic be engulfed in utter ruin. Subjoined is an example of a State government.

CONSTITUTION OF THE STATE OF WISCONSIN.

PREAMBLE.

We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquillity, and promote the general welfare, do establish this constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights: among these are life, liberty, and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 3. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 4. The right of the people peaceably to assemble to consult for the common good, and to petition the government or any department thereof, shall never be abridged.

SEC. 5. The right of trial by jury shall remain inviolate; and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SEC. 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.

SEC. 7. In all criminal prosecutions, the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecutions by indictment or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

SEC. 8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require.

SEC. 9. Every person is entitled to a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SEC. 10. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 11. The right of the people to be secure in their persons

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SEC. 12. No bill of attainder, *ex-post-facto* law, nor any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 13. The property of no person shall be taken for public use without just compensation therefor.

SEC. 14. All lands within the state are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land, for a longer term than fifteen years, in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation, reserved in any grant of land, hereafter made, are declared to be void.

SEC. 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment, or descent of property.

SEC. 16. No person shall be imprisoned for debt arising out of, or founded on a contract, expressed or implied.

SEC. 17. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

SEC. 18. The right of every man to worship Almighty God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent. Nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishments, or mode of worship. Nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

SEC. 19. No religious tests shall ever be required as a qualification for any office of public trust, under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. Writs of error shall never be prohibited by law.

SEC. 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

ARTICLE II

Sets forth the boundaries of the state.

ARTICLE III.

SUFFRAGE.

SECTION 1. Every male person, of the age of twenty-one years or upward, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election :—

1. All citizens of the United States.

2. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons of Indian descent, not members of any tribe. *Provided*, That the legislature may, at any time, extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election.

SEC. 2. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election: nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 3. All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

SEC. 4. No person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States, or of this state.

SEC. 5. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

SEC. 6. Laws may be passed excluding from the right of suf-

frage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, from the right to vote at such election.

ARTICLE IV.

LEGISLATIVE.

SECTION. 1. The legislative power shall be vested in a senate and assembly.

SEC. 2. The number of the members of the assembly shall never be less than fifty-four, nor more than one hundred. The senate shall consist of a number not more than one-third, nor less than one-fourth, of the number of the members of the assembly.

SEC. 3. The legislature shall provide by law for an enumeration of the inhabitants of the state, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

SEC. 4. The members of the assembly shall be chosen annually by single districts, on the Tuesday succeeding the first Monday of November, by the qualified electors of the several districts; such districts to be bounded by county, precinct, town, or ward lines, to consist of contiguous territory, and be in as compact form as practicable.

SEC. 5. The senators shall be chosen by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen, and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in regular series, and the senators chosen by the odd numbered districts shall go out of office at the expiration of the first year, and the senators chosen by the even numbered districts shall go out of office at the expiration of the second year, and thereafter the senators shall be chosen for the term of two years.

SEC. 6. No person shall be eligible to the legislature who

shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent.

SEC. 7. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 8. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

SEC. 9. Each house shall choose its own officers, and the senate shall choose a temporary president, when the lieutenant-governor shall not attend as president, or shall act as governor.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days.

SEC. 11. The legislature shall meet at the seat of government, at such time as shall be provided by law, once in each year, and not oftener, unless convened by the governor.

SEC. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SEC. 13. No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

SEC. 14. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

SEC. 15. Members of the legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest; nor shall they be subject to any civil process, during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 16. No member of the legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

SEC. 17. The style of the laws of the state shall be, "The people of the state of Wisconsin, represented in senate and assembly, do enact as follows;" and no law shall be enacted except by bill.

SEC. 18. No private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.

SEC. 19. Any bill may originate in either house of the legislature; and a bill passed by one house may be amended by the other.

SEC. 20. The yeas and nays of the members of either house, on any question, shall, at the request of one-sixth of those present, be entered on the journal.

SEC. 21. Each member of the legislature shall receive for his services, two dollars and fifty cents for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the legislature, on the most usual route.

SEC. 22. The legislature may confer upon the boards of supervisors of the several counties of the state, such powers, of a local, legislative, and administrative character, as they shall from time to time prescribe.

SEC. 23. The legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable.

SEC. 24. The legislature shall never authorize any lottery, or grant any divorce.

SEC. 25. The legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by them to be done for their use, or for the state, shall be let by contract to the lowest bidder; but the legislature may establish a maximum price. No member of the legislature, or other state officer, shall be interested, either directly or indirectly, in any such contract.

SEC. 26. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 27. The legislature shall direct by law in what manner and in what court suits may be brought against the state.

SEC. 28. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices take and subscribe an oath or affirmation to support the constitution of the United States, and the constitution of the state of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

SEC. 29. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same, in such manner as shall be prescribed by law.

SEC. 30. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

ARTICLE V.

EXECUTIVE.

SECTION. 1. The executive power shall be vested in a governor, who shall hold his office for two years. A lieutenant governor shall be elected at the same time, and for the same term.

SEC. 2. No person, except a citizen of the United States, and a qualified elector of the state, shall be eligible to the office of governor or lieutenant governor.

SEC. 3. The governor and lieutenant governor shall be elected by the qualified electors of the state, at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected. But in case two or more shall have an equal and the highest number of votes for governor or lieutenant governor, the two houses of the legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for governor or lieutenant governor. The returns of election for governor and lieutenant governor shall be made in such manner as shall be provided by law.

SEC. 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature on extraordinary occasions; and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the state. He shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration, as he may

deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

SEC. 5. The governor shall receive during his continuance in office, an annual compensation of one thousand two hundred and fifty dollars.

SEC. 6. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature, at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve, with his reasons for granting the same.

SEC. 7. In case of the impeachment of the governor, or his removal from office, death, inability from mental or physical disease, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor, for the residue of the term, or until the governor absent or impeached, shall have returned, or the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of the military force thereof, he shall continue commander-in-chief of the military force of the state.

SEC. 8. The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or from mental or physical disease become incapable of performing the duties of his office, or be absent from the state, the secretary of state shall act as governor until the vacancy shall be filled, or the disability shall cease.

SEC. 9. The lieutenant governor shall receive double the *per diem* allowance of members of the senate, for every day's attendance as president of the senate, and the same mileage as shall be allowed to members of the legislature.

SEC. 10. Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

ARTICLE VI.

ADMINISTRATIVE.

SECTION 1. There shall be chosen by the qualified electors of the state, at the times and places of choosing the members of the legislature, a secretary of state, treasurer, and an attorney general, who shall severally hold their offices for the term of two years.

SEC. 2. The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all matters relative thereto before either branch of the legislature. He shall be *ex officio* auditor, and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services, yearly, such sum as shall be provided by law, and shall keep his office at the seat of government.

SEC. 3. The powers, duties, and compensation of the treasurer and attorney general shall be prescribed by law.

SEC. 4. Sheriffs, coroners, registers of deeds, and district attorneys shall be chosen by the electors of the respective counties, once in every two years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices. They may be required by law to renew their security from time to time; and in default of giving such new security,

their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

ARTICLE VII.

JUDICIARY.

SECTION 1. The court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of this state, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office after he shall have been impeached, until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit, or trust, under the state; but the party impeached shall be liable to indictment, trial, and punishment according to law.

SEC. 2. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction. *Provided*, That the jurisdiction which may be vested in municipal courts shall not exceed, in their respective municipalities, that of circuit courts in their respective circuits, as prescribed in this constitution; and that the legislature shall provide as well for the election of judges of the municipal courts as of the judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the circuit courts.

SEC. 3. The supreme court, except in cases otherwise provided in this constitution, shall have appellate jurisdiction only,

which shall be co-extensive with the state; but in no case removed to the supreme court, shall a trial by jury be allowed. The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial writs, and to hear and determine the same.

SEC. 4. For the term of five years, and thereafter until the legislature shall otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum, and the concurrence of a majority of the judges present shall be necessary to a decision. The legislature shall have power, if they should think it expedient and necessary, to provide by law for the organization of a separate supreme court, with the jurisdiction and powers prescribed in this constitution, to consist of one chief justice and two associate justices, to be elected by the qualified electors of the state, at such time and in such manner as the legislature may provide. The separate supreme court, when so organized, shall not be changed or discontinued by the legislature; the judges thereof shall be so classified that but one of them shall go out of office at the same time, and their term of office shall be the same as is provided for the judges of the circuit court. And whenever the legislature may consider it necessary to establish a separate supreme court, they shall have power to reduce the number of circuit judges to four, and subdivide the judicial circuits, but no such subdivision or reduction shall take effect until after the expiration of the term of some one of the said judges, or until a vacancy occur by some other means.

SEC. 5 divides the state into judicial circuits.

SEC. 6. The legislature may increase the number of circuits, and change the limits.

SEC. 7. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office as is provided in this constitution, and until his successor shall be chosen and qualified; and after he shall have been elected, he shall reside in the circuit for which he was elected. One of said judges shall be designated as chief justice, in such manner as the legislature shall provide. And the legislature shall, at its first session, provide by law, as well for the election of as for classifying the judges of the circuit court, to be elected under this constitution, in such manner that one of said judges shall go out of office in two years, one in three years, one in four years, one in five years, and one in six years, and thereafter the judge elected to fill the office shall hold the same for six years.

Sec. 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, within this state, not excepted in this constitution, and not hereafter prohibited by law, and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgments, and decrees, and give them a general control over inferior courts and jurisdictions.

Sec. 9. When a vacancy shall happen in the office of judge of the supreme or circuit courts, such vacancy shall be filled by an appointment of the governor, which shall continue until a successor is elected and qualified; and when elected, such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election for state or county officers, nor within thirty days either before or after such election.

Sec. 10. Each of the judges of the supreme and circuit courts shall receive a salary, payable quarterly, of not less than one thousand five hundred dollars annually; they shall receive no fees of office, or other compensation than their salaries; they shall hold no office of public trust, except a judicial office, during the term for which they are respectively elected, and all votes for either of them, for any office except a judicial office, given by the legislature or the people, shall be void. No person shall be eligible to the office of judge, who shall not, at the time of his election be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

Sec. 11 The supreme court shall hold at least one term annually, at the seat of government of the state, at such time as shall be provided by law, and the legislature may provide for holding other terms, and at other places, when they may deem it necessary. A circuit court shall be held at least twice in each year, in each county of this state, organized for judicial purposes. The judges of the circuit court may hold courts for each other, and shall do so when required by law.

Sec. 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes, by the qualified electors thereof, who shall hold his office for two years, subject to removal, as shall be provided by law. In case of a vacancy, the judge of the circuit court shall have the power to appoint a clerk, until the vacancy shall be filled by an election. The clerk thus elected or appointed shall give such security as the legislature may require; and when elected, shall hold his office

for a full term. The supreme court shall appoint its own clerk, and the clerk of a circuit court may be appointed clerk of the supreme court.

SEC. 13. Any judge of the supreme or circuit court may be removed from office by address of both houses of the legislature, if two-thirds of all the members elected to each house concur therein, but no removal shall be made by virtue of this section, unless the judge complained of shall have been served with a copy of the charges against him as the ground of address, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the journals.

SEC. 14. There shall be chosen in each county, by the qualified electors thereof, a judge of probate, who shall hold his office for two years, and until his successor shall be elected and qualified, and whose jurisdiction, powers, and duties shall be prescribed by law: *provided, however*, that the legislature shall have power to abolish the office of judge of probate in any county, and to confer probate powers upon such inferior courts as may be established in said county.

SEC. 15. The electors of the several towns, at their annual town meetings, and the electors of cities and villages, at their charter elections shall, in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in nowise interfere with the classification in the first instance. The justices thus elected shall have such civil and criminal jurisdiction as shall be prescribed by law.

SEC. 16. The legislature shall pass laws for the regulation of tribunals of conciliation, defining their powers and duties. Such tribunals may be established in and for any township, and shall have power to render judgment, to be obligatory on the parties, when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment, or assent thereto in writing.

SEC. 17. The style of all writs and process shall be, "The state of Wisconsin." All criminal prosecutions shall be carried on in the name and by the authority of the same; and all indictments shall conclude against the peace and dignity of the state.

SEC. 18. The legislature shall impose a tax on all civil suits commenced or prosecuted in the municipal, inferior, or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of judges.

SEC. 19. The testimony in causes in equity shall be taken in like manner as in cases at law; and the office of master in chancery is hereby prohibited.

SEC. 20. Any suitor in any court of this state shall have the right to prosecute or defend his suit either in his own proper person or by an attorney or agent of his choice.

SEC. 21. The legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions made within the state, as may be deemed expedient. And no general law shall be in force until published.

SEC. 22. The legislature, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise, and simplify the rules of practice, pleadings, forms, and proceedings, and arrange a system adapted to the courts of record of this state, and report the same to the legislature, subject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

SEC. 23. The legislature may provide for the appointment of one or more persons in each organized county, and may vest in such persons such judicial powers as shall be prescribed by law: *provided*, that said power shall not exceed that of a judge of the circuit court at chambers.

ARTICLE VIII.

FINANCE.

SECTION 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the legislature shall prescribe.

SEC. 2. No money shall be paid out of the treasury except in pursuance of an appropriation by law.

SEC. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation.

SEC. 4. The state shall never contract any public debt, except in the cases and manner herein provided.

SEC. 5. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each

year; and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

SEC. 6. For the purpose of defraying extraordinary expenditures, the state may contract public debts; but such debts shall never in the aggregate exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

SEC. 7. The legislature may also borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. On the passage in either house of the legislature, of any law which imposes, continues, or renews a tax, or creates a debt or charge, or makes, continues, or renews an appropriation of public or trust money, or releases, discharges, or commutes a claim or demand of the state, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such house, shall in all cases be required to constitute a quorum therein.

SEC. 9. No scrip, certificate, or other evidence of state debt, whatsoever, shall be issued, except for such debts as are authorized by the sixth and seventh sections of this article.

SEC. 10. The state shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works, and shall devote thereto the

avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

ARTICLE IX.

EMINENT DOMAIN AND PROPERTY OF THE STATE.

SECTION 1. The state shall have concurrent jurisdiction on all rivers and lakes bordering on this state, so far as such rivers or lakes shall form a common boundary to the state, and any other state or territory now or hereafter to be formed and bounded by the same. And the river Mississippi, and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the state as to the citizens of the United States, without any tax, impost, or duty therefor.

SEC. 2. The title to all lands, and other property, which have accrued to the territory of Wisconsin, by grant, gift, purchase, forfeiture, escheat, or otherwise, shall vest in the state of Wisconsin.

SEC. 3. The people of the state, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the state; and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

ARTICLE X.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the legislature shall direct. The state superintendent shall be chosen by the qualified electors of the state, in such manner as the legislature shall provide; his powers, duties, and compensation shall be prescribed by law. *Provided*, That his compensation shall not exceed the sum of twelve hundred dollars annually.

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state, for educational purposes, (except the lands heretofore granted for the purposes of a university,) and all moneys, and the clear proceeds of all property, that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for

exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the state is entitled by the provisions of an act of congress, entitled "an act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five *per centum* of the net proceeds of the public lands to which the state shall become entitled on her admission into the union, (if congress shall consent to such appopriation of the two grants last mentioned,) shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:—

1. To the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

SEC. 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years, and no sectarian instruction shall be allowed therein.

SEC. 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes, from the income of the school fund.

SEC. 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

SEC. 6. Provision shall be made by law for the establishment of a state university, at or near the seat of state government, and for connecting with the same from time to time such colleges in different parts of the state, as the interests of education

may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the state for the support of a university, shall be and remain a perpetual fund, to be called the "university fund," the interest of which shall be appropriated to the support of the state university, and no sectarian instruction shall be allowed in such university.

SEC. 7. The secretary of state, treasurer, and attorney general shall constitute a board of commissioners for the sale of the school and university lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

SEC. 8. Provision shall be made by law for the sale of all school and university lands, after they shall have been appraised, and when any portion of such lands shall be sold, and the purchase money shall not be paid at the time of the sale, the commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent interest thereon, payable annually at the office of the treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security, when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

ARTICLE XI.

CORPORATIONS.

SECTION 1. Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation can not be obtained under general laws. All general laws or special acts enacted under the provisions of this section may be altered or repealed by the legislature at any time after their passage.

SEC. 2. No municipal corporation shall take private property for public use against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

SEC. 3. It shall be the duty of the legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts by such municipal corporations.

SEC. 4. The legislature shall not have power to create, authorize, or incorporate, by any general or special law, any bank or banking power or privilege, or any institution or corporation, having any banking power or privilege whatever, except as provided in this article.

SEC. 5. The legislature may submit to the voters at any general election, the question of "bank or no bank," and if at any such election a number of votes equal to a majority of all the votes cast at such election on that subject shall be in favor of banks, then the legislature shall have power to grant bank charters, or to pass a general banking law, with such restrictions and under such regulations as they may deem expedient and proper for the security of the bill holders: *provided*, that no such grant or law shall have any force or effect until the same shall have been submitted to a vote of the electors of the state at some general election, and been approved by a majority of the votes cast on that subject at such election.

ARTICLE XII.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election. And if in the legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, such amendment or amendments shall become

part of the constitution. *Provided*, That if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

SEC. 2. If at any time a majority of the senate and assembly shall deem it necessary to call a convention to revise or change this constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the legislature shall at its next session provide for calling such convention.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday succeeding the first Monday in November in each year.

SEC. 2. Any inhabitant of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the constitution and laws of this state, and may be punished in such other manner as shall be prescribed by law.

SEC. 3. No member of congress, nor any person holding any office of profit or trust under the United States, (postmasters excepted,) or under any foreign power; no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States, or to this state, or to any county or town therein, or to any state or territory within the United States, shall be eligible to any office of trust, profit, or honor in this state.

SEC. 4. It shall be the duty of the legislature to provide a great seal for the state, which shall be kept by the secretary of state; and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

SEC. 5. All persons residing upon Indian lands within any county of the state, and qualified to exercise the right of suffrage under this constitution, shall be entitled to vote at the polls which may be held nearest their residence, for state, United States, or county officers: *provided*, that no person shall vote for county officers out of the county in which he resides.

SEC. 6. The elective officers of the legislature, other than the presiding officers, shall be a chief clerk, and a sergeant-at-arms, to be elected by each house.

SEC. 7. No county with an area of nine hundred square miles or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question, shall vote for the same.

SEC. 8. No county seat shall be removed until the point to which it is proposed to be removed, shall be fixed by law, and a majority of the voters of the county voting on the question, shall have voted in favor of its removal to such point.

SEC. 9. All county officers whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties, or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct. All city, town, and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof as the legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the legislature may direct.

SEC. 10. The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this constitution.

ARTICLE XIV.

Provides that all rights, actions, prosecutions, judgments, claims, and contracts, made and pending under the laws of the territory shall be valid, and recognized the same as if issued and made under state laws. It also provides for submitting the constitution to the people for their adoption by voting for or against it, and provides for the election of state officers under the constitution.

SOUND PUBLIC OPINION ESSENTIAL TO STABLE GOVERNMENT—MAY BE INJURED BY EXTERNAL INFLUENCES.

In the example of a State constitution here given, it has been deemed preferable to select one of the Western States; they are of more recent date, are further removed from European influence, and are more thoroughly republican. The older States, to keep pace with the development of self-government, have had to revise their constitutions, and they have lost some of their simplicity in the process.

Ancient republics, had not only inherent defects in their forms of government, but also external dangers from neighboring monarchies. Happily for the United States, external dangers from this source are too remote to occasion apprehension; yet a government based on public opinion may suffer damage from the influence of foreign literature. Opinions formed under a civilization which includes monarchy, aristocracy, prerogative privilege, and an exalted idea of

birth and station, are wholly in conflict with the simplicity of republicanism. Therefore however proud we may be of the great names which have adorned our language, we can not be blind to the fact, that European literature is not an unalloyed blessing. A national literature should represent the national sentiment; should be in accordance with, and a support to, the institutions of the country. A sound literature is one of the greatest aids to good order, and one of the best supports of the stability and permanence of a government. No European government could withstand a republican literature universally read by its people, because their institutions are based partly on tradition, and partly on fiction: these a hostile literature would destroy; the artifice once exposed, the whole fabric would totter and fall. To such a hostile influence has our young Republic been exposed, and for nearly a hundred years has nobly withstood its insidious assaults. A national literature is of slow growth, but every effort should be made to fill up this great deficiency. The light

reading of European authors has a demoralizing effect on republican sentiment; and even the *ethics* are not less to be shunned, on account of their inadaptability to the higher morality which is expected from the citizens of a free republic. I refer those who have not reflected on the subject to Paley's "Law of Honor," where a whole class, according to that law, are absolved from every moral and social obligation, as far as their intercourse with society is concerned. It furnishes an extraordinary example of the amount of wickedness which may be tolerated, when sanctioned by custom. But in a republic, where every citizen, unconstrained by the arbitrary edicts of absolute government, and the insolent pretensions of privileged classes, forms an integral part of the society of which he is a member, a higher morality is called for. The spurious moralities based on "expediency," "utility," self-interest," "greatest good," "fitness of things," which have served to occupy the minds of speculative philosophers, have no useful purpose. When man becomes his own guardian, and ceases to be

the ward of privileged lawgivers, his moral attributes must be called into action; he has made a step forward in the progress of civilization; he is no longer a subject, but has become a free man, and has to perform certain sovereign acts; his moral obligations have increased, and higher qualifications are called for to fit him for his new position.

How are these higher qualifications to be acquired? The answer is simple: by the cultivation of the intellectual and moral faculties; by the adaptation of these faculties to the new circumstances. It is plain that God intended the happiness of his creatures, and so constituted them that, by the exercise of certain faculties, they might fulfill this design. A man can not see without eyes—equally certain is it that he can experience no impressions without faculties to receive them. God has given us these faculties—they are a part of our nature as much as our eyes or our ears—and, when properly educated, on these faculties we base our rules of conduct, the equity of our laws, and they are to us the most palpable indications of the will of God.

Indeed, a high form of government requires a high type of character. Freedom can increase only as fast as control becomes needless: and control only becomes needless when, by the cultivation or adaptation of the inward faculties, they are made to perform their proper functions; and, to do this, they should be protected from all influences calculated to give them a misdirection, or at least warned of the hurtful tendency. Foreign sentiments which are in conflict with our institutions are as much to be shunned as are the plagues and pestilential diseases which we attempt to exclude by sanitary laws.

The artificial civilization which has existed in Asia for so many ages only exceeds in degree that of Europe. The greater freedom in the latter marks the steps of progress mankind is making in adapting itself to a natural social position—namely, the condition of equal freedom—which selfishness and violence have so long distorted.

By the power of an increasing intelligence the social condition of man seems to be righting itself; the dormant energies of the moral

powers of the many millions kept in ignorance will be replaced with intelligent, active energies; cultivated virtue will fill the place of ignorant depravity; and, as all faculties strengthen by use, it is fair to presume that humanity will improve until it becomes more nearly adapted to a naturally moral condition. This progress is silently moving onward, and will continue so to move until the natural principle is accepted: that to every man belongs *the freedom to do what he wills, provided he infringes not the equal freedom of any other man.* This is the law of nature, and whatsoever law is opposed to this principle is arbitrary, and can only be called into existence with the slightest justification, when depravity has proceeded so far as to endanger society. Arbitrary laws, under such circumstances, may be expedient, but can never be moral, and should only be temporary till the necessity can be removed.

CONCLUDING OBSERVATIONS ON CIVIL DUTIES.

There are many duties, though not of so marked a character as those which have been described; still they form no unimportant part of the obligations which devolve upon us in our intercourse with men. All that makes existence valuable may be lost, if restraints are not imposed. A great many offensive intrusions are suffered which laws can not redress; the only redress is an appeal to public opinion, which is based upon those unwritten laws founded in nature, and perfected by education and custom — in fact, *the public conscience.* This power of judging exists in every mind well balanced by justice; for justice not only suggests what is necessary and right for our gratification, but also gracefully yields to others what is necessary and due to their convenience and comfort.

Right and wrong occupy a middle place between liberty and restraint; for right is guarded by liberty, and wrong is checked by restraint. Yet liberty has its boundaries, and restraint has its limits. Restraint is exer-

cised to prevent harm to others, and where it exceeds this, it becomes itself hurtful; and as it is the duty of government to protect all, the limits of restraint and the boundaries of liberty should be well marked and duly observed.

In former times the struggles have been between liberty and power—liberty then meant protection against rulers—but in these days, liberty claims protection against "tyrannical majorities and associated rings." Office has become inviting—not as a means of doing good, but for its power and rewards—wealth is preferred to virtue. This is a moral disease that needs correction, for, such as are the heads of a community, such must the people soon become. When office is obtained by wealth, office will be made to augment wealth; for, if power is obtained by corruption, power will compensate the expenses of bribery with interest—the ferment of corruption is rapid, and evil becomes universal. But our business is not with the moral disease, rapacity—except so far as rocks and shoals suggest caution to the mariner, so

the corruptions of a people suggest caution to the statesman.

A main source of political safety consists in the faithful administration of the laws. However wisely laws may be framed, they will prove impotent and useless, unless those who may administer them, administer them in a spirit of justice and integrity. Whenever the source of justice becomes corrupt and dilatory the bonds of society become loosened. Few will care to be just, if they have not a full assurance that justice will be reciprocated—without mutuality, there is no justice.

In preparing the foregoing pages, it has been the object of the writer to build up a practical morality suited to the relations of citizens in a republic; and believing that morality, to be of value, must be fixed, all the controversies of modern moralists have been avoided. And with a view to usefulness, we base our plan on those feelings which are a part of our natural constitution, because they are in accordance with the design of the Creator as manifested in thus creating us. The moral feelings have been described in the first part

of this work, where it has been shown that, from the proper exercise of these feelings, the happiness of the individual is derived. The same exertion of these feelings will lead us to the proper discharge of our social duties, and thus the happiness of the whole community will be promoted, both being derived from the same source, and showing the peculiar adaptation of the design of the Creator, and the admirable perfection of His beneficence.

I now close my humble effort; and if it should be favorably received, and show a probability of usefulness, I may, perhaps, be led to return again to the subject in a larger and more elaborate effort, when I shall be aided by a larger experience, and a greater familiarity with the subject. The student who directs his attention to moral duties, cultivates the moral senses, and acts in accordance with their dictates, can not fail to improve in virtue, to increase in self-respect, become more earnest in his love of liberty, and more intense in the ardor of his patriotism; and while steadfast in the assertion and maintenance of those rights, which

are his due, he will faithfully discharge the obligations which arise out of them; he will thereby aid in securing to others the same rights, the same liberty, and the same security which he himself desires, and which constitute the bond of civil society. From the rights and privileges we derive from society, these duties arise: that we be law-abiding, faithful in our trusts, energetic in honorable pursuits, and that, while we pursue our own interests and honor, we keep in view the interest, and honor of our country and of our fellow-men. Thus, by leading a virtuous life, we not only enjoy the blessings of society, but also conduce to the peace, harmony, and happiness of mankind.

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